2001 DRAFTING REQUEST

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Received: 12/15/2000 Wanted: As time permits For: Robert Welch (608) 266-0751				Received By: nelsorp1					
				Identical to LRB: 01-1148 By/Representing: Chris N. Drafter: nelsorp1					
									This file may be shown to any legislator: NO
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Subject: Courts - immunity liablty			Extra Copies:						
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Instructi	ons:								
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2001 DRAFTING REQUEST

Bill

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Bill

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Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject:

Courts - immunity liablty

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Recovery for injury incurred while committing a felony

Instructions:

See Attached com[panion to 01-1148

Drafting History:

Vers.

Drafted

Reviewed

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Submitted

Jacketed

Required

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nelsorp1

FE Sent For:

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Nelson, Robert P.

From:

Sent:

Newhouse, Chris Thursday, December 14, 2000 2:04 PM Nelson, Robert P. Hess, Martha

To: Cc:

Subject:

SB 78

Robert;

Got word from the boss saying he would like to have SB 78 done up as a companion to the Bill Sykora is introducing. Please redraft this for the Senator as a Companion.

thank you,

Chris

/527// LRB-1248/2 RPN/ld:0g

2001 ASSEMBLY BILL

Kegen

AN ACT to create 895.78 of the statutes; relating to: eliminating recovery for

persons injured while involved in a felony.

Analysis by the Legislative Reference Bureau

Currently, if a person is injured, he or she may recover from another person if the negligence of the other person caused the injury and exceeds his or her negligence. The finder of fact makes the decision as to the amount of negligence attributable to each party.

This bill prevents a person from recovering damages for any injury that he or she incurs or from his or her death if the injury or death resulted from his or her act that is a felony and he or she is convicted of a felony for that act regardless of cause of the injury or negligence of the parties. However, the bill does allow recovery, subject to the findings as to causation and negligence, if the device that causes the injury or death was used to provide security and was intended or likely to cause great bodily harm or death.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 895.78 of the statutes is created to read:

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ASSEMBLY BILL

895.78	Limiting felon's right to damages.	(1)	No person may reco	ver
damages for	an injury to real or personal property if t	he ir	njury was incurred wh	nile
committing,	or as a result of committing, an act that	cons	stituted a felony and	the
person was o	convicted of a felony for that act.			

- (2) No person may recover damages for death or for personal injury if the injury or death was incurred while committing, or as a result of committing, an act that constituted a felony and the person was convicted of a felony for that act.
- (3) This section does not prohibit a person from recovering damages for death or personal injury resulting from a device used to provide security that is intended or likely to cause great bodily harm, as defined in s. 939.22 (14), or death.

SECTION 2. Initial applicability.

(1) This act first applies to damages incurred on the effective date of this subsection.

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(END)



STEPHEN R. MILLER

State of Misconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET 5TH FLOOR MADISON, WI 53701-2037

LEGAL SECTION:

(608) 266-3561 (608) 264-6948

December 28, 2000

MEMORANDUM

To:

Senator Welch

From:

Robert P. Nelson, Senior Legislative Attorney

Re:

LRB-1527 Recovery for injury incurred while committing a felony

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.





If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-7511 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.