

**2003 DRAFTING REQUEST**

**Senate Joint Resolution**

Received: **12/05/2002**

Received By: **pdykman**

Wanted: **As time permits**

Identical to LRB: **95-3254/1**

For: **Robert Jauch (608) 266-3510**

By/Representing: **Adam Korbitz**

This file may be shown to any legislator: **NO**

Drafter: **pdykman**

May Contact:

Addl. Drafters:

Subject: **Constitutional Amendments  
Legislature - miscellaneous**

Extra Copies: **JTK  
JK  
RJM  
ARG**

Submit via email: **YES**

Requester's email: **Sen.Jauch@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Abolish legislative immunity from arrest and civil process

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**Instructions:**

See Attached 1995 SJR 22

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pdykman 12/05/2002	kgilfoy 12/06/2002		_____			
/1			jfrantze 12/09/2002	_____	sbasford 12/09/2002	mbarman 01/21/2003	

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

<END>

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FE Sent For:		1-12/5 kmp	Jb12/9	J Self 12/9 <END>			

# Bill Request Form

## Legislative Reference Bureau

100 N. Hamilton Street

Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date

12/4/02

Legislator, agency, or other person requesting this draft

Sen. Jauch

Person submitting request (name and phone number)

Adam Korbitz (6-3510)

Persons to contact for questions about this draft (names and phone numbers)

Describe the problem, including any helpful examples. How do you want to solve the problem?

Please redraft 1995 SJR 22  
re: legislative immunity  
(Attached)  
repealing Section 15  
of Article IV

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you?

YES  NO

If yes:

Anyone who asks?

YES  NO

Any legislator?

YES  NO

Only the following persons

Do you consider this request urgent?

YES  NO

If yes, please indicate why

Should we give this request priority over any pending request of this legislator, agency, or person?

YES  NO



## 1995 SENATE JOINT RESOLUTION 22

April 4, 1995 - Introduced by Senators BUETTNER, DARLING and ANDREA, cosponsored by Representatives KRUSICK, DOBYNS, AINSWORTH, BLACK, BOYLE, CARPENTER, DUEHOLM, GOETSCH, GROBSCHMIDT, GROTHMAN, HOVEN, HUBLER, LEHMAN, NOTESTEIN, WALKER and ZIEGELBAUER. Referred to Committee on Judiciary.

1 To amend so as in effect *to repeal* section 15 of article IV of the constitution; relat-  
2 **ing to:** abolishing the constitutional grant of legislative immunity from arrest  
3 and civil process (first consideration).

---

### *Analysis by the Legislative Reference Bureau*

This constitutional amendment, proposed to the 1995 legislature on first consideration, repeals that provision of the state constitution which: 1) grants to the members of the legislature immunity from arrest in all cases except treason, felony or breach of the peace; and 2) exempts the members of the legislature from civil process during the session of the legislature as well as for 15 days before and after a session.

As a constitutional amendment, the proposal requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

---

4 ***Resolved by the senate, the assembly concurring, That:***

5 **SECTION 1.** Section 15 of article IV of the constitution is amended so as in effect  
6 to repeal said section:

7 [~~Article IV~~] Section 15. ~~Members of the legislature shall in all cases, except~~  
8 ~~treason, felony and breach of the peace, be privileged from arrest; nor shall they be~~  
9 ~~subject to any civil process, during the session of the legislature, nor for fifteen days~~  
10 ~~next before the commencement and after the termination of each session.~~

1           ***Be it further resolved, That*** this proposed amendment be referred to the leg-  
2           islature to be chosen at the next general election and that it be published for 3 months  
3           previous to the time of holding such election.

4

(END)



2003-2004  
1997-1998 LEGISLATURE

-1060/1  
LRB-2498/1  
RAC&PJD:kmg:km

560A

2003  
**1997 ASSEMBLY JOINT RESOLUTION**  
**SENATE**

1 To amend so as in effect *Sen Ct.* **to repeal** section 15 of article IV of the constitution; **relating**  
2 **to:** abolishing the constitutional grant of legislative immunity from arrest and  
3 civil process (first consideration).

and

**Analysis by the Legislative Reference Bureau** (2003)

This proposed constitutional amendment, proposed to the ~~1997~~ legislature on first consideration, repeals that provision of the state constitution which: 1) grants to the members of the legislature immunity from arrest in all cases except treason, felony, or breach of the peace; and 2) exempts the members of the legislature from civil process during the session of the legislature as well as for 15 days before and after  
the session.

the

A constitutional amendment requires adoption by 2<sup>v</sup> successive legislatures, and ratification by the people, before it can become effective.

4 **Resolved by the ~~Assembly~~ *the assembly*, ~~the senate~~ concurring, That:**

5 **SECTION 1.** Section 15 of article IV of the constitution is amended so as in effect  
6 to repeal said section:

7 [Article IV] Section 15. Members of the legislature shall in all cases, except  
8 treason, felony and breach of the peace, be privileged from arrest; nor shall they be  
9 subject to any civil process, during the session of the legislature, nor for fifteen days  
10 next before the commencement and after the termination of each session.

1           **Be it further resolved, That** this proposed amendment be referred to the  
2 legislature to be chosen at the next general election and that it be published for 3  
3 months previous to the time of holding such election.

4                                 (END)

**Dykman, Peter**

---

**From:** Korbitz, Adam  
**Sent:** Tuesday, January 21, 2003 12:52 PM  
**To:** Dykman, Peter  
**Subject:** LRB 1060 & 1061

Peter, Sen. Jauch would like LRB 1060 and LRB 1061 Jacketed for introduction in the Senate

Thank you.

2003 SENATE JOINT RESOLUTION

9

LRB - 1060

relating to: abolishing the constitutional grant of legislative immunity from arrest and civil process (first consideration).

SENATE

9

Introduced by Senator

Jauch  
(PRINCIPAL AUTHOR)

Cosponsored by Representative

Ziegelbauer

(BY REQUEST OF)

(CONTINUE HERE FOR ADDITIONAL SENATORS)

(CONTINUE HERE FOR ADDITIONAL REPRESENTATIVES)

Hansen  
Carpenter

Hahn  
Hobler  
Hebl  
Cullen

01-23-03  
Re-Jacketed  
↳ Requested by Sarah (SCC)  
(Missing plastic envelope on back)