

BILL HISTORY FOR SENATE BILL 38 (LRB -1353)

An Act to create 895.78 of the statutes; relating to: eliminating recovery for persons injured while involved in a felony. (FE)

2003

02-18. S.	Introduced by Senators Welch, S. Fitzgerald, Zien, Cowles, Reynolds, Stepp, Roessler, Kanavas and Lazich; cosponsored by Representatives Hundertmark, F. Lasee, Suder, Krawczyk, Musser, Olsen, Plouff, Jeskewitz, Ainsworth, Seratti, Hines, Nass, Hahn, Gielow, Vrakas, Friske, Freese, Albers, Stone, Ott, Ladwig, Gunderson, McCormick, Bies, Kreibich, Kaufert, LeMahieu, Lassa, Van Roy, Plale, Petrowski and J. Fitzgerald.	
02-18. S.	Read first time and referred to committee on Judiciary, Corrections and Privacy	76
03-17. S.	Fiscal estimate received.	
03-27. S.	Public hearing held.	
03-27. S.	Executive action taken.	
04-02. S.	Report passage recommended by committee on Judiciary, Corrections and Privacy, Ayes 4, Noes 1	135
04-02. S.	Available for scheduling.	
05-06. S.	Senator Brown added as a coauthor	175
05-29. S.	Placed on calendar 6-3-2003 by committee on Senate Organization.	
06-04. S.	Read a second time	211
06-04. S.	Ordered to a third reading	211
06-04. S.	Rules suspended	211
06-04. S.	Read a third time and passed, Ayes 31, Noes 2	211
06-04. S.	Ordered immediately messaged	213
06-05. A.	Received from Senate	241
06-05. A.	Read first time and referred to committee on Judiciary	242
06-12. A.	Public hearing held.	
06-19. A.	Executive action taken.	
06-19. A.	Assembly substitute amendment 1 offered by committee on Judiciary (LRB s0110)	293
07-07. A.	Report introduction and adoption of Assembly Substitute Amendment 1 recommended by committee on Judiciary, Ayes 7, Noes 0	300
07-07. A.	Report concurrence as amended recommended by committee on Judiciary, Ayes 7, Noes 0	300
07-07. A.	Referred to committee on Rules	300
10-21. A.	Rules suspended to withdraw from committee on Rules and take up	441
10-21. A.	Read a second time	441
10-21. A.	Assembly substitute amendment 1 adopted	441
10-21. A.	Ordered to a third reading	441
10-21. A.	Rules suspended	441
10-21. A.	Read a third time and concurred in as amended	441
10-21. A.	Ordered immediately messaged	441
10-22. S.	Received from Assembly amended and concurred in as amended, Assembly substitute amendment 1 adopted	427
10-22. S.	Available for scheduling.	
10-22. S.	Placed on calendar 10-23-2003 by committee on Senate Organization.	
10-23. S.	Assembly substitute amendment 1 concurred in.	
10-23. S.	Action ordered immediately messaged.	

2003

ENROLLED BILL

03en S B- 38

ADOPTED DOCUMENTS:

Orig Engr

A SubAmdt 1

035011011

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Limiting recovery for persons

injured while involved in a felony

10/27/03

Date

[Signature]

Enrolling Drafter

ELECTRONIC PROCEDURE:

Follow automatic or manual enrolling procedures in *TEXT2000 Reference Guide*, Document Specific Procedures, Ch. 20, Engrossing and Enrolling

DISTRIBUTION:

HOUSE OF ORIGIN:

- 11 copies plus bill jacket
- Secretary of State's envelope containing 4 copies plus newspaper notice

REVISOR OF STATUTES:

- 5 copies

DEPARTMENT OF ADMINISTRATION:

- 2 copies

LRB:

- Drafting file original
- Drafting attorney 1 copy
- Legislative editors 1 copy each
- Reference section 1 copy
- Bill index librarian 1 copy

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 38**

June 19, 2003 – Offered by COMMITTEE ON JUDICIARY.

1 **AN ACT** *to create* 895.78 of the statutes; **relating to:** limiting recovery for
2 persons injured while involved in a felony.

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

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

4 **895.78 Limiting felon's right to damages.** (1) In this section:

5 (a) "Crime" means a crime under the laws of this state or under federal law.

6 (b) "Damages" means damages for an injury to real or personal property, for
7 death, or for personal injury.

8 (c) "Felony" means a felony under the laws of this state or under federal law.

9 (d) "Victim" means a person against whom an act constituting a felony was
10 committed.

1 (2) No person may recover damages from any of the following persons for injury
2 or death incurred while committing, or as a result of committing, an act that
3 constituted a felony, if the person was convicted of a felony for that act:

4 (a) A victim of that felony.

5 (b) An individual other than a victim of that felony who assisted or attempted
6 to assist in the prevention of the act, who assisted or attempted to assist in the
7 protection of the victim, or who assisted or attempted to assist in the apprehension
8 or detention of the person committing the act unless the individual who assisted or
9 attempted to assist is convicted of a crime as a result of his or her assistance or
10 attempted assistance.

11 (3) This section does not prohibit a person from recovering damages for death
12 or personal injury resulting from a device used to provide security that is intended
13 or likely to cause great bodily harm, as defined in s. 939.22 (14), or death.

14 (4) (a) Any applicable statute of limitations for an action to recover damages
15 against a person described under sub. (2) (a) or (b) for injury or death incurred while
16 committing, or as a result of committing, an act that constituted a felony is tolled
17 during the period beginning with the commencement of a criminal proceeding
18 charging the person who committed the act with a felony for that act and ending with
19 the final disposition, as defined in s. 893.13 (1), of the criminal proceeding.

20 (b) Any applicable statute of limitations for an action to recover damages from
21 an individual described under sub. (2) (b) for injury or death incurred while
22 committing, or as a result of committing, an act that constituted a felony is tolled
23 during the period beginning with the commencement of a criminal proceeding
24 charging the individual described under sub. (2) (b) with a crime as a result of his or
25 her assistance or attempt to assist and ending with the final disposition, as defined

1 in s. 893.13 (1), of the criminal proceeding. This paragraph does not apply if a
2 criminal proceeding described in par. (a) does not result in a felony conviction and
3 there is no other criminal proceeding described under par. (a) pending.

4 (5) A court may stay a civil action described under sub. (2) until the final
5 disposition of a criminal proceeding described under sub. (4).

6 **SECTION 2. Initial applicability.**

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

9 (END)