



**ASSEMBLY AMENDMENT 1,
TO 2009 ASSEMBLY BILL 193**

October 12, 2009 – Offered by Representative HRAYCHUCK.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 “**SECTION 1m.** 895.62 of the statutes is created to read:

4 **895.62 Use of force in response to unlawful and forcible entry into a**
5 **residence; civil liability immunity. (1)** In this section, “actor” means a person
6 who uses force that is intended or likely cause death or great bodily harm to another
7 person.

8 **(2)** Except as provided in sub. (4), an actor is immune from civil liability arising
9 out of his or her use of force that is intended or likely to cause death or great bodily
10 harm if the actor reasonably believed that the force was necessary to prevent
11 imminent death or great bodily harm to himself or herself or to another person and
12 either of the following applies:

1 (a) The person against whom the force was used was in the process of
2 unlawfully and forcibly entering the actor’s residence, the actor was present in the
3 residence, and the actor knew or had reason to believe that an unlawful and forcible
4 entry was occurring.

5 (b) The person against whom the force was used was in the actor’s residence
6 after unlawfully and forcibly entering it, the actor was present in the residence, and
7 the actor knew or had reason to believe that the person had unlawfully and forcibly
8 entered the residence.

9 **(3)** An actor is presumed to have reasonably believed that the force was
10 necessary to prevent imminent death or great bodily harm to himself or herself or
11 to another person if either sub. (2) (a) or (b) applies.

12 **(4)** The presumption described in sub. (3) does not apply if any of the following
13 are true:

14 (a) The actor was engaged in a criminal activity or was using his or her
15 residence to further a criminal activity at the time he or she used the force described
16 in sub. (2).

17 (b) The person against whom the force was used was a peace officer who entered
18 or attempted to enter the actor’s residence in the performance of his or her official
19 duties. This paragraph applies only if at least one of the following applies:

20 1. The officer identified himself or herself to the actor before the force described
21 in sub. (2) was used by the actor.

22 2. The actor knew or reasonably should have known that the person entering
23 or attempting to enter his or her residence was a peace officer.”.

24 **2.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1r**”.

