

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AB212)**

Received: **09/30/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Jeffrey Mursau (608) 266-3780**

By/Representing: **David Lovell**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - law enforcement**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Mursau@legis.wisconsin.gov**

Carbon copy (CC:) to: **David.Lovell@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Proof of insurance

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**Instructions:**

See attached

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**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>
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FE Sent For:

**<END>**

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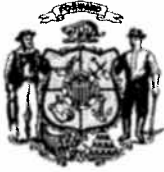
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FE Sent For:

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State of Wisconsin  
2009 - 2010 LEGISLATURE

2079711  
LRBa0798P2  
CMH:jld:jf  
Stays

TODAY  
no changes  
Assembly

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE AMENDMENT,  
TO 2009 SENATE BILL 148

Assembly 212

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

2 1. Page 2, line 1: after "statutes is" insert "renumbered 165.92 (3) and".

3 2. Page 2, line 2: delete "(a)" and substitute "LIABILITY".

4 3. Page 3, line 6: delete the material beginning with that line and ending with  
5 page 4, line 7, and substitute:

6 "SECTION 2c. 165.92 (3) (b) 1. of the statutes is renumbered 165.92 (3m) (intro.)  
7 and amended to read:

8 165.92 (3m) REQUIREMENTS. (intro.) No tribal law enforcement officer may  
9 exercise or perform the powers or duties described under sub. (2) (a) unless all of the  
10 following apply:

11 (a) 1. The governing body of the tribe that employs the officer adopts and has  
12 in effect a resolution under this paragraph. Except as provided in subd. 2., a

1 ~~resolution under this paragraph shall include~~ that includes a statement that the  
2 tribe waives its sovereign immunity to the extent necessary to allow the enforcement  
3 in the courts of this state of its liability under ~~par. (a) sub. (3) or another resolution~~  
4 that the department of justice determines will reasonably allow the enforcement in  
5 the courts of this state of the tribe's liability under sub. (3).

6 **SECTION 2g.** 165.92 (3) (b) <sup>✓</sup>2. of the statutes is repealed.

7 **SECTION 2r.** 165.92 (3m) (a) <sup>✓</sup>(intro.) of the statutes is created to read:

8 165.92 **(3m)** (a) (intro.) One of the following:

9 **SECTION 3g.** 165.92 (3m) (a) <sup>✓</sup>2. of the statutes is created to read:

10 165.92 **(3m)** (a) 2. The tribe or tribal law enforcement agency that employs the  
11 officer maintains liability insurance that does all of the following:

12 a. Covers the tribal law enforcement agency for its liability under sub. (2) and  
13 s. 66.0513.

14 b. Has a limit of coverage not less than \$2,000,000 for any occurrence.

15 c. Provides that the insurer, in defending a claim against the policy, may not  
16 raise the defense of sovereign immunity of the insured up to the limits of the policy.

17 **SECTION 4g.** 165.92 (3m) (b) <sup>✓</sup>of the statutes is created to read:

18 165.92 **(3m)** (b) The tribe or tribal law enforcement agency that employs the  
19 officer has provided to the department of justice a copy of the resolution under par.  
20 (a) 1. or proof of insurance under par. (a) 2., and the department of justice has posted  
21 either a copy of the document or notice of the document on the Internet site it  
22 maintains for exchanging information with law enforcement agencies.”.

23 (END)