

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AB453)**

Received: **02/09/2010**

Received By: **rnelson2**

Wanted: **Soon**

Identical to LRB:

For: **Anthony Staskunas (608) 266-0620**

By/Representing: **Adrienne**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - immunity liability**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Governmental liability limits in child abuse cases

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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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893.80 (3)

893.82 (6)

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See attached

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FE Sent For:

<END>

**Nelson, Robert P.**

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**From:** Ramirez, Adrienne  
**Sent:** Tuesday, February 09, 2010 9:54 AM  
**To:** Nelson, Robert P.  
**Subject:** drafting request

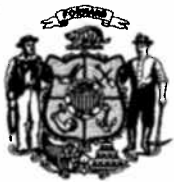
Bob –

Rep. Staskunas has two drafting requests for you.

1. Please draft an amendment to AB 453 that removes all statutory liability thresholds under 893 for cases pertaining to sexual contact with a child.
2. Could you also please draft a new bill mirroring AB 453, including the removal of liability thresholds.

Thank you for your assistance.

Adrienne  
Office of Rep. Tony Staskunas  
6-0620



ASSEMBLY AMENDMENT,  
TO 2009 ASSEMBLY BILL 453

bh  
SA

# (B) Page 1 (line 30) after "child" insert  
"and limits on recovery against the state  
and local political subdivisions"

At the locations indicated, amend the bill as follows:

1. Page 2, line 18: after that line insert:

"SECTION 4d. 893.587 (4) of the statutes is created to read:

893.587 (4) The limits on the amount recoverable under ss. 893.80 (3) and 893.82 (6) do not apply to an action to recover damages for a cause of action described under sub. (2).

SECTION 5g. 893.80 (3) of the statutes is amended to read:

893.80 (3) Except as provided in this subsection and s. 893.587 (4), the amount recoverable by any person for any damages, injuries or death in any action founded on tort against any volunteer fire company organized under ch. 181 or 213, political corporation, governmental subdivision or agency thereof and against their officers, officials, agents or employees for acts done in their official capacity or in the course of their agency or employment, whether proceeded against jointly or severally, shall

1 not exceed \$50,000. The Except as provided in s. 893.587 (4), the amount recoverable  
 2 under this subsection shall not exceed \$25,000 in any such action against a volunteer  
 3 fire company organized under ch. 181 or 213 or its officers, officials, agents or  
 4 employees. If Except as provided in s. 893.587 (4), if a volunteer fire company  
 5 organized under ch. 181 or 213 is part of a combined fire department, the \$25,000  
 6 limit still applies to actions against the volunteer fire company or its officers,  
 7 officials, agents or employees. No punitive damages may be allowed or recoverable  
 8 in any such action under this subsection.

History: Sup. Ct. Order, 67 Wis. 2d 585, 784 (1975); 1975 c. 218; 1977 c. 285, 447; 1979 c. 34; 1979 c. 323 s. 29; Stats. 1979 s. 893.80; 1981 c. 63; 1985 a. 340; 1987 a. 377; 1993 a. 139; 1995 a. 6, 158, 267; 1997 a. 27; 2005 a. 281; 2007 a. 168.

9 **SECTION 6m.** 893.82 (6) of the statutes is amended to read:

10 893.82 (6) The Except as provided in s. 893.587 (4), <sup>the</sup> amount recoverable by any  
 11 person or entity for any damages, injuries or death in any civil action or civil  
 12 proceeding against a state officer, employee or agent, or against a nonprofit  
 13 corporation operating a museum under a lease agreement with the state historical  
 14 society, including any such action or proceeding based on contribution or  
 15 indemnification, shall not exceed \$250,000. No punitive damages may be allowed or  
 16 recoverable in any such action.”

History: 1973 c. 333; 1977 c. 29; 1979 c. 221; 1979 c. 323 s. 30; 1979 c. 355; Stats. 1979 s. 893.82; 1983 a. 27; 1985 a. 66, 340; 1987 a. 342; 1987 a. 403 s. 256; 1989 a. 187, 206, 359; 1991 a. 39, 269; 1993 a. 27, 28; 1995 a. 158, 201; 1997 a. 133; 2003 a. 111; 2005 a. 96; 2007 a. 79, 130; 2009 a. 42.

(END)