

2009 DRAFTING REQUEST

Bill

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
Courts - limitations**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Actions for child abuse, statute of limitations and damages

Instructions:

See attached AB453 plus 09a1502

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>
/?	rnelson2 02/09/2010	bkraft 02/17/2010		_____			S&L
/1			jfrantze 02/17/2010	_____	sbasford 02/17/2010	mbarman 02/26/2010	

FE Sent For: "1" @ intro. 3/11/10

<END>

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/?	rnelson2	1 bjk 2/16	2/17	ph/rs			
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FE Sent For:

<END>

Nelson, Robert P.

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



2/9
State of Wisconsin
2009 - 2010 LEGISLATURE

5004

FROM
3401/1

4282/1
LRB-3401/1

RPN:bjk:rs

stays

SA
x-ref

Inserts

2009 ASSEMBLY BILL 453

September 25, 2009 - Introduced by Representatives PARISI, SUDER, SOLETSKI, BROOKS, POPE-ROBERTS, RICHARDS, PASCH, BERCEAU, WOOD, SINICKI, BIES, ZEPNICK, A. OTT, VRUWINK, NYGREN, VAN ROY, TAUCHEN, NERISON, TURNER, HONADEL, HRAYCHUCK, A. WILLIAMS, MOLEPSKE JR. and PETERSEN, cosponsored by Senators LASSA, TAYLOR, OLSEN, SCHULTZ, ERPENBACH and COGGS. Referred to Committee on Children and Families.

1 AN ACT ^{regen.} to renumber and amend 893.587; and to create 893.587 (1) and
2 893.587 (3) of the statutes; relating to: the statute of limitations for sexual
3 contact with a child

and limits on recovery against the state and local political subdivisions

Analysis by the Legislative Reference Bureau

Under current law, the time a person has to bring an action (the statute of limitations) for an injury resulting from being sexually assaulted or subject to incest as a child, or from being subject to sexual contact by a member of the clergy as a child, is any time before the injured party reaches the age of 35.

This bill removes the time limit for bringing those actions. In addition, the bill applies this unlimited time period to a broader range of actions. Under the bill, there is no limit on the time a person has to bring an action for injury resulting from being subject, as a child, to any sexual contact by an adult or by an adult member of the clergy. The bill also revives any cause of action that was barred by the present statute of limitations and allows an injured party to bring that action for his or her injury within three years after the effective date of the bill.

ins
and

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

4 SECTION 1. 893.587 of the statutes is renumbered 893.587 (2) and amended to
5 read:

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4287/?ins
RPN:.....

ins anl:

Q Under current law, the amount recoverable for damages in an action in tort against a volunteer fire company, political corporation, governmental subdivision or agency, or against their officers, officials, agents, or employees acting within the scope of their official duties is limited to \$50,000. For certain specified volunteer fire companies and their officers, officials, agents, or employees, the limit is \$25,000. Currently, the amount recoverable for damages in a civil action against a state officer, employee, or agent, or against a number of others designated to be state officers, employees, or agents, including certain health care providers and pupil services providers, and emergency planning committee members, is limited to \$250,000.

This bill removes those limits if the action is to recover damages for an injury caused by an adult's sexual contact with anyone under the age of 18 or by the sexual exploitation of a person under the age of 18 by a member of the clergy.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.



ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 453

Insert 2-18

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

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

3 SECTION ~~49~~ 893.587 (4) of the statutes is created to read:

4 893.587 (4) The limits on the amount recoverable under ss. 893.80 (3) and
5 893.82 (6) do not apply to an action to recover damages for a cause of action described
6 under sub. (2).

7 SECTION ~~59~~ 893.80 (3) of the statutes is amended to read:

8 893.80 (3) Except as provided in this subsection and s. 893.587 (4), the amount
9 recoverable by any person for any damages, injuries or death in any action founded
10 on tort against any volunteer fire company organized under ch. 181 or 213, political
11 corporation, governmental subdivision or agency thereof and against their officers,
12 officials, agents or employees for acts done in their official capacity or in the course
13 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 6** 893.82 (6) of the statutes is amended to read:

10 893.82 (6) The Except as provided in s. 893.587 (4), 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.

17 (END)

of insert

Basford, Sarah

From: Ramirez, Adrienne
Sent: Friday, February 26, 2010 10:33 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-4287/1 Topic: Actions for child abuse, statute of limitations and damages

Please Jacket LRB 09-4287/1 for the ASSEMBLY.