

**2011 Jr1 DRAFTING REQUEST**

**Senate Amendment (SA-SB1)**

Received: **01/18/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Mark Miller (608) 266-9170**

By/Representing: **John Anderson**

May Contact:

Drafter: **tkuczens**

Subject: **Courts - civil procedure  
Courts - courts/judges/commsrs**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Miller@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Require audit bureau to study impact of Daubert rules on prosecutions in state courts

---

**Instructions:**

See attached

---

**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>
/?							
/1	tkuczens 01/18/2011	csicilia 01/18/2011	rschluet 01/18/2011	_____	mbarman 01/18/2011	mbarman 01/18/2011	

FE Sent For:

<END>



**Kuczenski, Tracy**

---

**From:** Hurley, Peggy  
**Sent:** Tuesday, January 18, 2011 8:43 AM  
**To:** Kuczenski, Tracy; Dodge, Tamara  
**Subject:** FW: SSSB 1, Tort Reform Bill amendments draft requests from Sen. Miller

**Importance:** High

Hi Guys!

Looks like these are all mine except the last one.

Peggy

---

**From:** Anderson, John  
**Sent:** Tuesday, January 18, 2011 8:41 AM  
**To:** Hurley, Peggy  
**Subject:** SSSB 1, Tort Reform Bill amendments draft requests from Sen. Miller  
**Importance:** High

Good morning, Peggy. Here are the draft requests I just called about. Thank you. John Anderson

amendment request:

- Give DA's additional position authority to deal with new evidence standards language (see DA fiscal estimate letter to Zipperrer 1/11/11)
- Authorize additional \$ for expert witness accounts in DA offices (see DA fiscal estimate letter to Zipperrer 1/11/11)
- Give county courts + state courts additional resources for new evidence rules hearings (see DA letter to Zipperrer re: sections 33-38 1/11/11)
- Require audit bureau study of additional burden on local prosecutors and courts caused by new mandates *(office of district attorney) prosecutions in state courts*
- Exempt law enforcement officers from expert witness testimony requirements
- Exempt social workers, and sexual assault nurses from expert witness standards (see DA letter to Zipperrer re: sections 33-38 1/11/11)
- Exemptions for prosecutions of sexually violent persons, family court and restraining order hearings from expert witness testimony provisions (see DA letter to Zipperrer re: sections 33-38 1/11/11)
- Maintain current law related to criminal penalties for abuse or neglect of patients in health care facilities (See Leg council memo 1/10/11 on SS SB 1 p 14)
- Cap the punitive damages to 3 times the compensatory damages rather than the 2X in the Zipperer amendment.

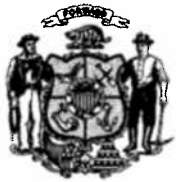
John Anderson  
Office of Sen. Mark Miller  
Senate Democratic Leader  
608-266-9170

- financial audit  
- 6 months after effective date

ch. 978 Don't Att

14

prosecutorial unit dissolved in 978.0111



State of Wisconsin  
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRBa01132

TKK:f:...

EMR/UN

cjs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

**SENATE AMENDMENT ,**

**TO SENATE AMENDMENT 1,**

**TO SENATE BILL 1**

1/18/11

Alou

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

2 **1.** Page 30, line 6: after that line insert:

3 **"SECTION 44m. Nonstatutory provisions.**

subsection

4 (1) AUDIT OF AGENCIES AFFECTED BY CHANGES TO RULES OF EVIDENCE GOVERNING  
5 TESTIMONY OF WITNESSES AND EXPERTS. No later than six months after the effective date  
6 of this act, the legislative audit bureau shall perform a financial audit of the offices  
7 of district attorneys and of the circuit courts to determine the cost to the offices and  
8 courts to comply with sections 907.01 and 907.02 of the statutes, as affected by this  
9 act. Within 30 days after the completion of the audit, the legislative audit bureau  
10 shall submit copies of the audit report to the governor and to the chief clerk of each

1 house of the legislature for distribution to the appropriate standing committees ✓

2 under section 13.172 (3) of the statutes." ○

3 (END) ↑