

2011 Jr1 DRAFTING REQUEST

Assembly Amendment (AA-SB1)

Received: **01/20/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Joe Parisi (608) 266-5342**

By/Representing: **Mike Murray**

May Contact:

Drafter: **tkuczens**

Subject: **Courts - torts**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

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

Pre Topic:

No specific pre topic given

Topic:

make punitive damages standard apply to cases involving allegation of sexual contact or intercourse with child

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>
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/1	tkuczens 01/20/2011	csicilia 01/20/2011	mduchek 01/20/2011	_____	lparisi 01/20/2011	lparisi 01/20/2011	

FE Sent For:

<END>

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1?	tkuczens	1/15 1/20 11	1/21				

FE Sent For:

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TO: Anne Sappenfield and Peggy Hurley
FROM: Rep. Joe Parisi and Rep. Donna Seidel
RE: Amendment Drafting Requests for Special Session AB 1- "Tort Reform" Omnibus
DATE: January 20, 2011

We would like to draft the following amendments to Special Session AB 1. We have separated our amendment requests by the different subject areas contained in SS AB 1. We have also included a few questions and requests for clarification in this memo. If you have any questions regarding this memo, please feel free to call either Mike Murray in Rep. Parisi's office (6-5342) or Chris McKinny in Rep. Seidel's office (6-0654). Thank you.

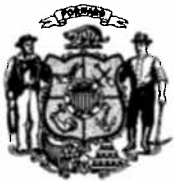
Limits on Noneconomic Damages

1. An amendment removing the noneconomic damages cap for injury or wrongful death caused by the negligence of a long-term care provider.
2. An amendment specifically removing the noneconomic damages cap for cases involving negligence of a long-term care provider that is the proximate cause of the provider's employee or employees committing an intentional tort against a client, resident, or patient of any of the entities that are provided with the noneconomic damages cap in the bill.
3. An amendment specifically removing the noneconomic damages cap for cases involving negligence of a long-term care provider that is the proximate cause of the provider's employee or employees engaging in sexual contact or sexual intercourse with a client, resident, or patient of any of the entities that are provided with the noneconomic damages cap in the bill.
4. An amendment specifically removing the noneconomic damages cap for cases involving negligence of a long-term care provider that is the proximate cause of the the provider's employee or employees committing an act that would constitute an "offense against an elderly or vulnerable person" as defined by s. 939.22(20)(d).

Proposed Punitive Damages Standard

1. An amendment removing the bill's proposed punitive damages standard
 2. An amendment removing the bill's proposed punitive damages standard in cases involving allegations of sexual contact or intercourse with a child. *like AA amend bill*
 3. It appears that the bill still allows punitive damages for intentional torts. If that is not the case, please let us know because we would have several other amendment requests. *std or cap?*
- if you'd like*

Confidentiality of Health Care Service Reviews and Inadmissibility of Health Care Reports or Employee Statements



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRBa0213/2 1

TKK:J:...

RMP

cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO SENATE BILL 1

*Bill
1/20/11
ct*

*1/20/11
Maw*

1 At the locations indicated, amend the bill as follows:
2 **1.** Page 17, line 9: after that line insert:
3 **"SECTION 23m.** 895.043 (3) of the statutes is amended to read:
4 895.043 (3) STANDARD OF CONDUCT. The plaintiff may receive punitive damages
5 if evidence is submitted showing that the defendant acted maliciously toward the
6 plaintiff or in an intentional disregard of the rights of the plaintiff, or if the
7 defendant's negligent supervision of an agent or employee of the defendant was the
8 proximate cause of sexual contact or intercourse with a child."

History: 1995 a. 17; 1997 a. 71; 1999 a. 79; 2005 a. 155 s. 71; Stats. 2005 s. 895.043; 2005 a. 388 s. 216; 2009 a. 274.