

2011 DRAFTING REQUEST

Assembly Amendment (AA-ASA2-AB69)

Received: **06/29/2011**

Received By: **phurley**

Wanted: **As time permits**

Companion to LRB:

For: **David Craig (608) 266-3363**

By/Representing:

May Contact:

Drafter: **phurley**

Subject: **Criminal Law - guns and weapons
Criminal Law - miscellaneous
Courts - immunity liability**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Castle doctrine; retreat

Instructions:

may not consider the possibility of retreat for both criminal and civil

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>
/?	phurley 06/29/2011	wjackson 07/07/2011		_____			
/1			mduchek 07/07/2011	_____	lparisi 07/07/2011	lparisi 07/07/2011	

FE Sent For:

<END>

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FE Sent For:

<END>

Hurley, Peggy

From: Bruhn, Mike
Sent: Wednesday, June 29, 2011 4:07 PM
To: Hurley, Peggy
Subject: RE: Amendment to AB 69

That sounds good. Thank you.

From: Hurley, Peggy
Sent: Wednesday, June 29, 2011 3:57 PM
To: Bruhn, Mike
Subject: RE: Amendment to AB 69

No problem; I didn't know if they were all "in play" at this point. Thank you for the clarification!

I am going to tweak the language you submitted in order for it to fit into the language of the substitute amendment. For example, the substitute amendment doesn't really apply to all situations involving unlawful force or unlawful interference with another - it is limited to unlawful entry into a dwelling, vehicle, or place of business.

Peggy

From: Bruhn, Mike
Sent: Wednesday, June 29, 2011 3:52 PM
To: Hurley, Peggy
Subject: RE: Amendment to AB 69

Please draft to Sub 2. Sorry, I should have specified.

From: Hurley, Peggy
Sent: Wednesday, June 29, 2011 3:44 PM
To: Bruhn, Mike
Subject: RE: Amendment to AB 69

Thanks, Mike,

Do you want this drafted to AB 69, Substitute Amendment1 to AB 69, or Substitute Amendment 2 to AB 69?

From: Bruhn, Mike
Sent: Wednesday, June 29, 2011 3:41 PM
To: Hurley, Peggy
Subject: Amendment to AB 69

Peggy,

Here is some language that was sent to the Representative. The first sentence may be redundant with the second, but I am sending it all to you, anyway.

Thanks,

Mike Bruhn
Rep. Dave Craig's office

Here is typical language, which I'm sure they'll want to tweak to fit local drafting style and nomenclature:

A person who is not the initial aggressor has no duty to retreat from any place where such person is legally present before using non-deadly or deadly force pursuant to this section. The possibility of retreat shall not be considered in determining the reasonableness of the person's belief that such force was necessary to defend against the imminent use of unlawful force against, or to prevent or terminate unlawful interference with, such person or another.



State of Wisconsin
2011 - 2012 LEGISLATURE



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PJH:wlj:md

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stays

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2011 ASSEMBLY BILL 69

6-29-11

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

2 **1.** Page 3, line 18: after that line insert:

3 “**(3m)** If sub. (2) (a) or (b) applies, the finder of fact may not consider whether
4 the actor had an opportunity to flee or retreat before he or she used force.”.

5 **2.** Page 5, line 5: after that line insert:

6 “(au) If par. (ar) 1. or 2. applies, the finder of fact may not consider whether the
7 actor had an opportunity to flee or retreat before he or she used force.”.

8 (END)