



**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 488**

March 3, 2014 – Offered by Senator LASEE.

1 **AN ACT** *to amend* 943.14; and *to create* 846.085, 943.13 (4m) (e) and 943.15 (1r)
2 of the statutes; **relating to:** entry on property in foreclosure.

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

3 **SECTION 1.** 846.085 of the statutes is created to read:

4 **846.085 Entry on property in foreclosure. (1) DEFINITIONS.** In this section:

5 (a) “Law enforcement agency” has the meaning given in s. 165.83 (1) (b).

6 (b) “Municipality” means a city, village, or town.

7 (c) “Property” means mortgaged premises that are the subject of a foreclosure
8 action.

9 **(2) ENTRY BY PLAINTIFF.** In a mortgage foreclosure action, if the court finds under
10 s. 846.102 that the property has been abandoned, the plaintiff, or an employee or
11 agent of or contractor with the plaintiff, may go on the property and enter any

1 buildings on the property, using such reasonable force as appears necessary, to
2 inspect the property and take any action necessary to preserve or protect the
3 property.

4 **(3) NOTICE FROM CLERK OF COURT.** (a) At the commencement of a mortgage
5 foreclosure action, the clerk of circuit court for the county in which the action is filed
6 shall provide notice of the commencement of the action to the municipality in which
7 the property is located and to the law enforcement agency that provides primary law
8 enforcement services to the municipality in which the property is located.

9 (b) The clerk of circuit court and the municipality and law enforcement agency
10 may agree on the form of the notice and the method of delivering the notice, or the
11 clerk may provide the notice in the form and manner most convenient for the clerk,
12 which may include delivery by electronic mail.

13 (c) The notice provided under this subsection shall include the street address
14 or location of the property and the name and address of the plaintiff in the action.
15 The notice may not include the name of the owner of record of the property or the
16 name of the defendant in the action.

17 **(4) IMMUNITY FROM LIABILITY.** A person authorized under sub. (2) to go on a
18 property and enter buildings on a property is immune from civil liability for acts or
19 omissions related to carrying out the powers and responsibilities under sub. (2),
20 unless the person asserting liability proves that the act or omission constitutes
21 willful misconduct.

22 **(5) APPLICABILITY.** (a) Subsection (2) applies to mortgage foreclosure actions
23 that are pending on, or commenced on or after, the effective date of this paragraph
24 [LRB inserts date].

1 (b) Subsection (3) applies to mortgage foreclosure actions that are commenced
2 on or after the effective date of this paragraph [LRB inserts date].

3 **SECTION 2.** 943.13 (4m) (e) of the statutes is created to read:

4 943.13 (4m) (e) A person entering or remaining on the land as authorized under
5 s. 846.085 (2).

6 **SECTION 3.** 943.14 of the statutes is amended to read:

7 **943.14 Criminal trespass to dwellings.** Whoever intentionally enters the
8 dwelling of another without the consent of some person lawfully upon the premises,
9 under circumstances tending to create or provoke a breach of the peace, is guilty of
10 a Class A misdemeanor. This section does not apply to a person entering or
11 remaining on the land as authorized under s. 846.085 (2).

12 **SECTION 4.** 943.15 (1r) of the statutes is created to read:

13 943.15 (1r) This section does not apply to a person entering or remaining on
14 the land as authorized under s. 846.085 (2).

15 (END)