

2013 DRAFTING REQUEST

Bill

Received: 12/9/2013 Received By: phurley
Wanted: As time permits Same as LRB: -2694
For: Nikiya Harris (608) 266-2500 By/Representing:
May Contact: Drafter: phurley
Subject: Courts - miscellaneous/other Addl. Drafters:
Criminal Law - guns and weapons Extra Copies:

Submit via email: YES
Requester's email: Sen.Harris@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Repeal castle doctrine

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	phurley 12/9/2013	jdyer 12/10/2013		_____	mbarman 12/10/2013	lparisi 12/10/2013	State S&L

FE Sent For:

@intro

<END>

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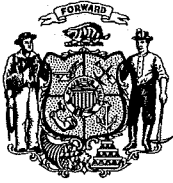
See attached

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB 2694/1
PJH:jld:jf

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3799//
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2013 BILL

12-9

✓ Regen

1 AN ACT *to repeal* 895.62 and 939.48 (1m) of the statutes; **relating to:** the
2 presumption of reasonableness in a criminal or civil case involving
3 self-defense.

Analysis by the Legislative Reference Bureau

Under current law, in general, a person who uses force in self-defense or in the defense of another person may not be convicted of a crime stemming from that use of force. This law applies only when: 1) the amount of force used is reasonable; and 2) the person uses that force to prevent or stop what he or she reasonably believes is an unlawful interference with himself or herself or another person, such as the crime of battery.

Under current law, a factfinder in a criminal case involving a person's use of force intended to or likely to cause death or great bodily harm must presume that the person reasonably believed the force was necessary to prevent death or great bodily harm to himself or herself or to another person if: 1) the individual against whom the force was used was in the process of unlawfully and forcibly entering, or had already unlawfully and forcefully entered, the dwelling, motor vehicle, or, in the case of a business owner or operator, place of business of the person who used the force; 2) the person was present in that dwelling, motor vehicle, or place of business; and 3) the person knew or reasonably believed that an unlawful and forcible entry was occurring or had occurred. Current law prohibits a court from considering whether the person had an opportunity to flee or retreat before he or she used the force.

Under current law, the presumption does not apply if: 1) the person who used the force was engaged in a criminal activity or was using his or her dwelling, motor

Parisi, Lori

From: Mcginnis, Cindy
Sent: Tuesday, December 10, 2013 9:16 AM
To: LRB.Legal
Subject: Draft Review: LRB -3799/1 Topic: Repeal castle doctrine

Please Jacket LRB -3799/1 for the SENATE.