

2015 Senate Bill 383 (LRB -3671)

An Act to amend 968.255 (3); and to create 895.535 of the statutes; relating to: providing immunity from civil and criminal liability to certain health care providers for performing a body cavity search.

2015

11-12.	S.	Introduced by Senators LeMahieu and Stroebel ; cosponsored by Representatives Katsma, Horlacher, Vorpapel, Kremer, Gannon, Steffen, R. Brooks, Thiesfeldt, Murphy, Tittl, Kleefisch, A. Ott, Allen and Rohrkaste .	531
11-12.	S.	Read first time and referred to Committee on Judiciary and Public Safety	531

2016

01-07.	S.	Public hearing held	
01-27.	S.	Executive action taken	
01-28.	S.	Report passage recommended by Committee on Judiciary and Public Safety, Ayes 5, Noes 0	657
01-28.	S.	Available for scheduling	
02-08.	S.	Placed on calendar 2-9-2016 pursuant to Senate Rule 18(1)	683
02-09.	S.	Read a second time	
02-09.	S.	Ordered to a third reading	
02-09.	S.	Rules suspended	
02-09.	S.	Read a third time and passed	
02-09.	S.	Ordered immediately messaged	
02-09.	A.	Received from Senate	621
02-11.	A.	Read first time and referred to committee on Rules	633
02-11.	A.	Placed on calendar 2-16-2016 by Committee on Rules	
02-16.	A.	Rules suspended to withdraw from calendar and take up	665
02-16.	A.	Read a second time	665
02-16.	A.	Ordered to a third reading	665
02-16.	A.	Rules suspended	665
02-16.	A.	Read a third time and concurred in	665
02-16.	A.	Ordered immediately messaged	665
02-17.	S.	Received from Assembly concurred in	

2015
ENROLLED BILL

15en S B-383

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

15 36711 1

Amendments to above (if none, write "NONE"): NONE

Corrections - show date (if none, write "NONE"): NONE

Topic Rec CLAUSE

2/19/16

Date

Carol

Enrolling Drafter



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3671/1
PJH:ahe&kjf

2015 SENATE BILL 383

November 12, 2015 - Introduced by Senators LEMAHIEU and STROEBEL, cosponsored by Representatives KATSMAN, HORLACHER, VORPAGEL, KREMER, GANNON, STEFFEN, R. BROOKS, THIESFELDT, MURPHY, TITTL, KLEEFISCH, A. OTT, ALLEN and ROHRKASTE. Referred to Committee on Judiciary and Public Safety.

- 1 **AN ACT to amend** 968.255 (3); and **to create** 895.535 of the statutes; **relating**
2 **to:** providing immunity from civil and criminal liability to certain health care
3 providers for performing a body cavity search.

Analysis by the Legislative Reference Bureau

This bill confers immunity from civil and criminal liability for performing certain body cavity searches. Under current law, a person may be subject to a search of his or her body, including a body cavity search, when he or she is arrested for any felony, for certain misdemeanors, for any misdemeanor or civil violation if there is probable cause to believe that the person is concealing a weapon or concealing something that would constitute evidence of the offense for which he or she has been detained, or if the person will be held or detained with another person. Under current law, only a physician, physician assistant, or registered nurse may conduct a body cavity search.

This bill confers immunity from civil and criminal liability to a physician, physician assistant, or registered nurse who performs a body cavity search under the allowed circumstances. The immunity extends to the employer of the physician, physician assistant, or registered nurse, and to the health care facility where the search is conducted.

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

SENATE BILL 383

1 **SECTION 1.** 895.535 of the statutes is created to read:

2 **895.535 Civil and criminal liability exemption; body cavity search. (1)**

3 Any physician, physician assistant, or registered nurse licensed to practice in this
4 state conducting a body cavity search pursuant to s. 968.255 is immune from any civil
5 or criminal liability for the act, except for civil liability for negligence in the
6 performance of the act.

7 **(2)** Any employer of the person under sub. (1) or any health care facility where
8 the search is conducted by that person has the same immunity from liability under
9 sub. (1).

10 **SECTION 2.** 968.255 (3) of the statutes is amended to read:

11 968.255 **(3)** No person other than a physician, physician assistant or registered
12 nurse licensed to practice in this state may conduct a body cavity search. A
13 physician, physician assistant, or registered nurse acting under this section, the
14 employer of any such person, and any health care facility where the search is
15 conducted have immunity from civil or criminal liability under s. 895.535.

16

(END)