

2019 DRAFTING REQUEST**Assembly Amendment (AA-AB633)**

For: **Lisa Subeck (608) 266-7521** Drafter: **swalkenh**
 By: **Jeanine** Secondary Drafters:
 Date: **1/10/2020** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Subeck@legis.wisconsin.gov**
 Carbon copy (CC) to: **sarah.walkenhorstbarber@legis.wisconsin.gov**
tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Indemnification for municipalities for third party liability

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 1/10/2020	ccarmich 1/13/2020			
/P1			dwalker 1/13/2020		
/1			dwalker 1/15/2020	dwalker 1/15/2020	

FE Sent For:

<END>

Walkenhorst Barber, Sarah

From: Schneider, Jeanine
Sent: Friday, January 10, 2020 11:23 AM
To: Walkenhorst Barber, Sarah
Subject: Amendment Draft Request

Good Morning, Sarah,

I'm reaching out to you since it appears you drafted 1247/1 (AB 633) on transport for emergency detention.

Earlier this week, our office received the following email from Vic Wahl who is the acting police chief for the City of Madison. Rep. Subeck is hoping you would be able to draft an amendment to AB 633 that would address his concerns.

Rep. Subeck – I have been copied in on some emails to your office about AB633 (Emergency Detention transports)...while this is a concept that I am fully supportive of, there is some language in the current bill that could prove problematic. The current bill states that a subject remains in the custody of the law enforcement officer until they arrive at the facility, even if they are actually being transported by a 3rd party (non-law enforcement). Our City Attorney's Office thinks this creates some potential issues with liability...if we contract with a 3rd party (non-law enforcement) vendor to do ED transports, we likely would remain liable for anything that occurs during the transport (even though we have handed over physical custody to the 3rd party). There are probably some valid reasons for that language (so if the person were to escape, for example, they would still be considered in custody and the appropriate criminal charge would still be applicable)...but I wonder if it is possible to incorporate some language that would address liability for a municipality when they have contracted with a 3rd party for these transports.

Thanks...hope all is well with you...

Vic

Victor Wahl, Acting Chief of Police
Madison Police Department
211 South Carroll Street
Madison, WI 53703
(608) 266-4664
vwahl@cityofmadison.com<mailto:vwahl@cityofmadison.com>

Your assistance with this draft will be greatly appreciated.

Sincerely,

Jeanine



Jeanine Schneider, Legislative Aide
Office of Rep. Lisa Subeck, 78th Assembly District
608.266.7521 | jeanine.schneider@legis.wi.gov
Room 109 North, State Capitol
PO Box 8953, Madison, WI 53708
Find Rep. Subeck on the [web](#) and [Facebook](#)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 633

10/10
Requested 1/13
a.m. pls

1 At the locations indicated, amend the bill as follows:
2 **1.** Page 3, line 23: after that line insert:
3 **"SECTION 5m.** 51.15 (11) of the statutes is amended to read:
4 51.15 (11) LIABILITY. Any individual who acts in accordance with this section,
5 including making a determination that an individual has or does not have mental
6 illness or evidences or does not evidence a substantial probability of harm under sub.
7 (1) (ar) 1., 2., 3., or 4. or a determination under sub. (2) (b) that the transfer of an
8 individual is medically appropriate, is not liable for any actions taken in good faith.
9 The good faith of the actor shall be presumed in any civil action. Whoever asserts
10 that the individual who acts in accordance with this section has not acted in good
11 faith has the burden of proving that assertion by evidence that is clear, satisfactory
12 and convincing. When a county, city, village, or town contracts with an ambulance

1 service provider or a 3rd-party vendor that is not a law enforcement agency to
2 provide transport services under sub. (2), if the ambulance service provider or
3 3rd-party vendor meets the criteria established by the department for purposes of
4 reimbursement under the Medical Assistance program, the county, city, village, or
5 town is not liable for any damage or injury that occurs during or as a result of
6 transport by the ambulance service provider or 3rd-party vendor under sub. (2).”.

History: 1975 c. 430; 1977 c. 29, 428; 1979 c. 175, 300, 336, 355; 1985 a. 176; 1987 a. 366, 394; 1989 a. 56 s. 259; 1993 a. 451; 1995 a. 77, 175, 292; 1997 a. 35, 283; 2001 a. 16 ss. 1966d to 1966h, 4034zb to 4034zd, 4041d to 4041g; 2001 a. 109; 2005 a. 264; 2007 a. 20; 2009 a. 28; 2013 a. 158, 235; 2015 a. 55; 2015 a. 195 ss. 11 to 13, 83; 2017 a. 140.

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(END)

Walker, Dan

From: Rep.Subeck
Sent: Wednesday, January 15, 2020 12:57 PM
To: LRB.Legal
Subject: RE: Draft review: LRB a0870/P1

RUSH. Please jacket this amendment for introduction.



Jeanine Schneider, Legislative Aide

Office of Rep. Lisa Subeck, 78th Assembly District
608.266.7521 | jeanine.schneider@legis.wi.gov
Room 109 North, State Capitol
PO Box 8953, Madison, WI 53708
Find Rep. Subeck on the [web](#) and [Facebook](#)

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Monday, January 13, 2020 8:27 AM
To: Rep.Subeck <Rep.Subeck@legis.wisconsin.gov>
Subject: Draft review: LRB a0870/P1

Following is the PDF version of draft LRB a0870/P1.



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