



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 87 [2003 Senate Bill 38]	Limits on Civil Damages Awarded to Felons
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 87 prohibits a convicted felon from recovering damages from the following persons for personal injury or property damage incurred by the felon while committing, or as a result of committing, the felony:

1. A victim of that felony.
2. An individual other than a victim who assisted or attempted to assist in the prevention of the felony, who assisted or attempted to assist in the protection of the victim, or who assisted or attempted to assist in the apprehension or detention of the felon unless the individual who assisted or attempted to assist is convicted of a crime as a result of his or her assistance or attempted assistance.

The limitation under the Act on recovery of damages by a convicted felon does not apply to recovery of damages for death or personal injury resulting from a device used to provide security that is intended to or likely to cause great bodily harm or death.

Under the Act, any applicable statute of limitations for a civil action to recover damages for injury or death incurred by a perpetrator during the commission, or as a result of the commission, of a felony is tolled during the period of a criminal proceeding charging the perpetrator with a felony. Similarly, any applicable statute of limitations for an action by a convicted felon to recover damages from an individual who assisted or attempted to assist in the prevention of the act, the protection of the victim, or the apprehension or detention of the felon, is tolled during the period of a criminal proceeding against the individual charging that individual with a crime as a result of his or her assistance or attempted assistance.

The Act expressly authorizes a court to stay a civil action covered by the new law until the final disposition of a criminal proceeding that relates to the ability to recover damages.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

Effective Date: The effective date of Act 87 is December 11, 2003 and the Act first applies to damages incurred on that date.

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