



2015 ASSEMBLY BILL 308

August 12, 2015 - Introduced by Representatives OHNSTAD, KERKMAN, SINICKI, STUCK, STEFFEN, MILROY, BERCEAU, HESSELBEIN, JORGENSEN, BOWEN, KOLSTE, KAHL, SPIROS, ZEPNICK, SUBECK, QUINN, POPE, BILLINGS, THIESFELDT and SPREITZER, cosponsored by Senators WIRCH, OLSEN and LASSA. Referred to Committee on Judiciary.

1 **AN ACT** *to create* 895.484 of the statutes; **relating to:** providing an exemption
2 from civil liability for forcibly entering a vehicle under certain circumstances.

Analysis by the Legislative Reference Bureau

This bill exempts a person from civil liability for any property damage or personal injury he or she causes by forcibly entering a vehicle under certain circumstances. Under the bill, a person is immune from liability if he or she used force in order to remove from a vehicle a person or a domestic animal that the actor reasonably believed was suffering or would suffer imminent bodily harm if the actor did not forcibly enter the vehicle.

Under the bill, in order to receive civil immunity for his or her act, the actor must determine that there is no way to enter the vehicle without force, may use only the force necessary to remove the person or animal from the vehicle, must dial "911" or otherwise summon emergency or law enforcement assistance before or shortly after the forcible entry, must leave his or her name and contact information at the scene, and must remain with the person or animal until a law enforcement officer or other first responder arrives.

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

3 **SECTION 1.** 895.484 of the statutes is created to read:

ASSEMBLY BILL 308**SECTION 1**

1 **895.484 Civil liability exemption; entering a vehicle to render**
2 **assistance. (1)** In this section:

3 (a) “Domestic animal” means a dog, cat, or other animal that is domesticated
4 and kept as a household pet, but does not include a farm animal, as defined in s.
5 951.01 (3).

6 (b) “Vehicle” means a motor vehicle, or any other vehicle, that is used to
7 transport persons or cargo and that is enclosed.

8 **(2)** A person is immune from civil liability for property damage or injury that
9 results from his or her forcible entry into a vehicle if all of the following are true:

10 (a) A person or a domestic animal was present in the vehicle and the actor had
11 a good faith belief that the person or domestic animal was in imminent danger of
12 suffering bodily harm unless he or she exited or was removed from the vehicle.

13 (b) The actor determined that the vehicle was locked and that forcible entry was
14 necessary to enable the actor to enter the vehicle or to enable the person or domestic
15 animal to be removed from or to exit the vehicle.

16 (c) The actor dialed the telephone number “911” or otherwise contacted law
17 enforcement, emergency medical services, or animal control before, or as soon after
18 as was practicable, he or she forcibly entered the vehicle.

19 (d) The actor remained with the person or domestic animal until a law
20 enforcement officer, emergency medical service provider, animal control officer, or
21 other first responder arrived at the scene.

22 (e) The actor used no more force than he or she reasonably believed necessary
23 to enter the vehicle in order to remove the person or domestic animal or to allow the
24 person or domestic animal to exit the vehicle.

