



**SENATE AMENDMENT 1,
TO 1995 SENATE BILL 292**

January 9, 1996 – Offered by Senator ADELMAN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 5: after “property” insert: “and providing liability in situations
3 involving recklessness”.

4 **2.** Page 2, line 5: after that line insert:

5 “**SECTION 1m.** 895.52 (3) (intro.) of the statutes is amended to read:

6 895.52 (3) LIABILITY; STATE PROPERTY. (intro.) Subsection (2) does not limit the
7 liability of an officer, employe or agent of this state or of any of its agencies for ~~either~~
8 any of the following:”.

9 **3.** Page 2, line 13: after that line insert:

10 “**SECTION 2g.** 895.52 (3) (c) of the statutes is created to read:

11 895.52 (3) (c) A death or injury which occurs on property designated by the
12 department of natural resources under s. 23.115 or designated by another state
13 agency for a recreational activity if the officer, employe or agent who caused the death
14 or injury intentionally did an act, or intentionally failed to do an act that is his or her
15 duty to another to do, knowing or having reason to know of facts which would lead
16 a reasonable person to realize not only that his or her conduct creates an

1 unreasonable risk of physical harm to another but also that that risk is substantially
2 greater than that which is necessary to make his or her conduct negligent.

3 **SECTION 2m.** 895.52 (4) (intro.) of the statutes is amended to read:

4 895.52 (4) LIABILITY; PROPERTY OF GOVERNMENTAL BODIES OTHER THAN THIS STATE.
5 (intro.) Subsection (2) does not limit the liability of a governmental body other than
6 this state or any of its agencies or of an officer, employe or agent of such a
7 governmental body for either any of the following:".

8 **4.** Page 2, line 21: after that line insert:

9 "SECTION 3m. 895.52 (4) (c) of the statutes is created to read:

10 895.52 (3) (c) A death or injury if the officer, employe or agent who caused the
11 death or injury intentionally did an act, or intentionally failed to do an act that is his
12 or her duty to another to do, knowing or having reason to know of facts which would
13 lead a reasonable person to realize not only that his or her conduct creates an
14 unreasonable risk of physical harm to another but also that that risk is substantially
15 greater than that which is necessary to make his or her conduct negligent.".

16 **5.** Page 3, line 3: after "agents" insert: "for a death or injury if the officer,
17 employe or agent who caused the death or injury intentionally did an act, or
18 intentionally failed to do an act that is his or her duty to another to do, knowing or
19 having reason to know of facts which would lead a reasonable person to realize not
20 only that his or her conduct creates an unreasonable risk of physical harm to another
21 but also that that risk is substantially greater than that which is necessary to make
22 his or her conduct negligent or".

23 **6.** Page 3, line 21: after that line insert:

24 "SECTION 6m. 895.52 (6) (cm) of the statutes is created to read:

1 895.52 **(6)** (cm) The private property owner or his or her employe or agent who
2 caused the death or injury intentionally did an act, or intentionally failed to do an
3 act that is his or her duty to another to do, knowing or having reason to know of facts
4 which would lead a reasonable person to realize not only that his or her conduct
5 creates an unreasonable risk of physical harm to another but also that that risk is
6 substantially greater than that which is necessary to make his or her conduct
7 negligent.”.

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(END)