



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2005 Assembly Bill 602**

**Assembly  
Amendment 1**

*Memo published:* February 13, 2006

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Current law provides that on specific types of land that are defined in the trespass statute (primarily fenced, cultivated, or undeveloped land, with certain exceptions), it is trespass to enter or remain on the land without the express or implied consent of the owner or occupant. Current trespass law also provides that a person who enters the locked or posted construction site of another, without consent, is guilty of a Class A misdemeanor.

2005 Assembly Bill 602 creates exceptions to these statutory prohibitions against trespassing. As amended by the bill, the trespass statute would not apply to an assessor or an assessor's staff entering the land, or a construction site, of another to make an assessment for the state or a political subdivision. The bill requires the assessor or staff to leave in a prominent place a notice that the assessor or staff entered the land or the construction site, in order to qualify for the exemption.

Assembly Amendment 1 adds a new section to the bill. This section creates civil immunity for an owner or person in lawful possession of the premises for the injury or death of an assessor or member of the assessor's staff who enters a construction site without permission to make an assessment on behalf of the state or a political subdivision. The amendment provides that civil immunity does not apply if the injury or death results from reckless, wanton, or intentional misconduct of the owner or person in lawful possession of the premises or his or her employee.

### **Legislative History**

Assembly Amendment 1 was offered by the Assembly Committee on Rural Affairs and Renewable Energy. The amendment was adopted on a vote of Ayes, 8; Noes, 0. The committee recommended passage of the bill, as amended, on a vote of Ayes, 7; Noes, 1.

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