

2005 Senate Bill 447

Date of enactment:  
Date of publication\*:

# 2005 WISCONSIN ACT

AN ACT *to renumber and amend* 895.85 (3); and *to create* 895.85 (3) (a), 895.85 (3) (b) and 895.85 (6) of the statutes; **relating to:** punitive damage awards.

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

**SECTION 1.** 895.85 (3) of the statutes is renumbered 895.85 (3) (intro.) and amended to read:

895.85 (3) (intro.) The plaintiff may receive punitive damages if evidence is submitted showing that the defendant acted maliciously toward the plaintiff or in an intentional disregard of the rights of the plaintiff. did any of the following:

**SECTION 2.** 895.85 (3) (a) of the statutes is created to read:

895.85 (3) (a) Acted with the intent to cause injury to a particular person or persons.

**SECTION 3.** 895.85 (3) (b) of the statutes is created to read:

895.85 (3) (b) Knew that the defendant's action that resulted in injury to one or more persons was practically certain to result in injury to one or more persons.

**SECTION 4.** 895.85 (6) of the statutes is created to read:

895.85 (6) UNAVAILABLE DEFENSE. A voluntarily produced intoxicated or drugged condition is not a defense to liability for punitive damages if, had the actor not been in that intoxicated or drugged condition, he or she would have known that his or her action that resulted in injury to one or more persons, done while in the intoxicated or drugged condition, was practically certain to result in injury to one or more persons.

**SECTION 5. Initial applicability.**

(1) This act first applies to actions that occur on the effective date of this subsection.

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\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].