



**SENATE AMENDMENT 20,  
TO 1995 ASSEMBLY BILL 441**

March 7, 1996 – Offered by Senator RISSER.

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

2 **1.** Page 1, line 5: after “abortion” insert: “, interference with access to or use  
3 of a medical facility, civil actions for trespass to and interference with access to  
4 medical facilities.”.

5 **2.** Page 20, line 16: after that line insert:

6 “**SECTION 8m.** 895.76 of the statutes is created to read:

7 **895.76 Physical injury, emotional distress, loss or damage suffered by**  
8 **users of medical facilities.** (1) If a person suffers physical injury, death,  
9 emotional distress or damage to or loss of his or her property as a result of conduct  
10 which is prohibited under s. 941.40 or 943.145, the person, or his or her  
11 representative authorized to commence an action on behalf of the person, may  
12 commence a civil action to enjoin further or continuing violations or to recover actual  
13 damages sustained as a result of a violation, or both.

14 **(2)** The burden of proof in a civil action under sub. (1) rests with the plaintiff  
15 to prove his or her case by a preponderance of the credible evidence.

1           (3) If the plaintiff prevails in a civil action for damages under sub. (1), he or she  
2 may recover special and general damages, including damages for emotional distress;  
3 punitive damages; and costs of the investigation and litigation which were  
4 reasonably incurred, including all reasonable attorney fees, notwithstanding s.  
5 814.04 (1).

6           (4) A person may bring a civil action under sub. (1) regardless of whether there  
7 has been a criminal action related to the physical injury, death, emotional distress,  
8 loss or damage under sub. (1) and regardless of the outcome of any such criminal  
9 action.

10          (5) This section does not limit the right of a person to recover from any parent  
11 or parents under s. 895.035.

12          **SECTION 9m.** 941.40 of the statutes is created to read:

13          **941.40 Interference with the access to or use of a medical facility. (1)**

14 In this section, “medical facility” has the meaning given in s. 943.145 (1).

15          (2) Whoever intentionally does any of the following is guilty of a Class B  
16 misdemeanor for the first offense and is guilty of a Class A misdemeanor for a  
17 subsequent offense:

18           (a) Obstructs, blocks, hinders or impedes a person from entering or exiting a  
19 medical facility.

20           (b) Uses force or the threat of force to interfere with the provision of medical  
21 services at a medical facility.

22           (c) Renders or attempts to render a medical facility temporarily or permanently  
23 unusable by medical providers or their patients.

24          (3) Subsection (2) does not apply to acts by any of the following:

25           (a) A peace officer.

1 (b) The chief executive officer of the medical facility.

2 (c) Any person acting as directed by the chief executive officer of the medical  
3 facility.”.

4 (END)