

## Limits on Civil Damages Awarded to Felons

This Act prohibits a convicted felon from recovering damages for personal injury or property damage incurred by the felon while committing, or as a result of committing, the felony.

The limitation under the Act on recovery of damages by a convicted felon does not apply to recovery of damages for death or personal injury resulting from a device used to provide security that is intended to or likely to cause great bodily harm or death.

Under the Act, any applicable statute of limitations for a civil action to recover damages for injury or death incurred by a perpetrator during the commission, or as a result of the commission, of a felony is tolled during the period of a criminal proceeding charging the perpetrator with a felony. Similarly, any applicable statute of limitations for an action by a convicted felon to recover damages from an individual who assisted or attempted to assist in the prevention of the act, the protection of the victim, or the apprehension or detention of the felon, is tolled during the period of a criminal proceeding against the individual charging that individual with a crime as a result of his or her assistance or attempted assistance.

The Act expressly authorizes a court to stay a civil action covered until the final disposition of a criminal proceeding that relates to the ability to recover damages.

Submitted as:

Wisconsin

[Act 87 of 2003](#)

Status: Enacted into law in 2003.

### Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. This Act may be cited as "An Act Relating to Limiting Recovery for People  
2 Injured While Involved in a Felony."

3  
4           Section 2. [*Limiting Felon's Right to Damages.*]

5           (1) In this Act:

6                   (a) "Crime" means a crime under the laws of this state or under federal law.

7                   (b) "Damages" means damages for an injury to real or personal property, for  
8 death, or for personal injury.

9                   (c) "Felony" means a felony under the laws of this state or under federal law.

10                  (d) "Victim" means a person against whom an act constituting a felony was  
11 committed.

12           (2) No person may recover damages from any of the following people for injury or death  
13 incurred while committing, or as a result of committing, an act that constituted a felony, if the  
14 person was convicted of a felony for that act:

15                   (a) A victim of that felony.

16                   (b) An individual other than a victim of that felony who assisted or attempted to  
17 assist in the prevention of the act, who assisted or attempted to assist in the protection of the  
18 victim, or who assisted or attempted to assist in the apprehension or detention of the person  
19 committing the act unless the individual who assisted or attempted to assist is convicted of a  
20 crime as a result of his or her assistance or attempted assistance.

21 (3) This Act does not prohibit a person from recovering damages for death or personal  
22 injury resulting from a device used to provide security that is intended or likely to cause great  
23 bodily harm, as defined in [insert citation], or death.

24 (4) (a) Any applicable statute of limitations for an action to recover damages against  
25 a person described under sub. (2) (a) or (b) for injury or death incurred while committing, or as a  
26 result of committing, an act that constituted a felony is tolled during the period beginning with  
27 the commencement of a criminal proceeding charging the person who committed the act with a  
28 felony for that act and ending with the final disposition, as defined in [insert citation], of the  
29 criminal proceeding.

30 (b) Any applicable statute of limitations for an action to recover damages from an  
31 individual described under sub. (2)(b) for injury or death incurred while committing, or as a  
32 result of committing, an act that constituted a felony is tolled during the period beginning with  
33 the commencement of a criminal proceeding charging the individual described under sub. (2)(b)  
34 with a crime as a result of his or her assistance or attempt to assist and ending with the final  
35 disposition, as defined in [insert citation], of the criminal proceeding. This paragraph does not  
36 apply if a criminal proceeding described in par. (a) does not result in a felony conviction and  
37 there is no other criminal proceeding described under par. (a) pending.

38 (5) A court may stay a civil action described under sub. (2) until the final disposition of a  
39 criminal proceeding described under sub. (4).

40  
41 Section 3. [*Initial Applicability.*] This Act first applies to damages incurred on the  
42 effective date of this Act.

43  
44 Section 4. [*Severability.*] [Insert severability clause.]

45  
46 Section 5. [*Repealer.*] [Insert repealer clause.]

47  
48 Section 6. [*Effective Date.*] [Insert effective date.]