



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4268/1
SWB:jld

2017 SENATE BILL 433

October 9, 2017 - Introduced by Senator RISSER, cosponsored by Representatives TUSLER, CROWLEY, MURPHY, HORLACHER, C. TAYLOR, ANDERSON, BERCEAU, JACQUE, KOLSTE, KREMER, POPE, SPIROS, SPREITZER and THIESFELDT. Referred to Committee on Judiciary and Public Safety.

- 1 **AN ACT to amend** 893.82 (5) of the statutes; **relating to:** service of notice of claim
2 against state officer, employee, or agent.

Analysis by the Legislative Reference Bureau

This bill changes the requirements for service of a notice of claim against a state officer, employee, or agent. Under current law, with certain exceptions, in order to bring an action against a state officer, employee, or agent, a person must serve on the attorney general a written notice of claim within 120 days of the event causing the injury, damage, or death. Current law requires that the notice be served upon the attorney general at his or her office in the capitol by certified mail. In *Sorenson v. Batchelder*, 2016 WI 34, 368 Wis. 2d 140, 885 N.W.2d 362, the Wisconsin Supreme Court held that the notice of claim statute requires strict and literal compliance and that, accordingly, under current law, a notice of claim against a state employee must be served by certified mail upon the attorney general at his or her office at the capitol. The court held that personal service does not comply with the requirements of the statute because the statute requires service by certified mail. This bill changes the requirements for service of a notice of claim against a state officer, employee, or agent to allow personal service or service by certified mail upon the attorney general at the attorney general's office either in the capitol or at the Department of Justice.

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

