

2001 DRAFTING REQUEST

Bill

Received: 07/23/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Joseph Leibham (608) 266-0656

By/Representing: Anne Sappenfield

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - procedure
Correctional System - jails

Extra Copies: MGD
Anne Sappenfield (LC)

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Access to competency examination records

Instructions:

Allow sheriff and other jailers access to report under s. 971.14 (4) (a)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 07/27/2001			_____			S&L
/1	rryan 08/31/2001	gilfokm 09/05/2001	pgreensl 09/05/2001	_____	lrb_docadmin 09/05/2001	lrb_docadmin 09/27/2001	

FE Sent For:

2
At intro

<END>

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Requester's email:

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Allow sheriff ^{✓ after jailer} access to report under s. 971.14 (4) (a)

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1?	mdsida	9/5 MGD	9/5 ps	9/5 sew			

FE Sent For:

<END>

8/30

Leibham - Dan 6-0656

Shenbogan County Sheriff wants
access

make it upon request of sheriff or jailer



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3533/1

RLR:.....

In 8/31/01

mg

2001 BILL

Gen Cat

1 AN ACT ^{Gen Cat}; relating to: access for sheriffs and jailers to reports regarding the
2 competency of criminal defendants.

Analysis by the Legislative Reference Bureau

Under current law, a person may not be tried, convicted, or sentenced for the commission of a crime if the person lacks substantial mental capacity to understand the proceedings or assist in his or her own defense. If a court has reason to doubt a defendant's competency, the court appoints an expert to examine and report on the defendant's condition. Upon receiving a copy of the expert's report, the court distributes copies to the district attorney and the defendant or his or her attorney. The report may not be otherwise disclosed prior to a hearing on the issue of the defendant's competency.

This bill directs courts to provide a copy of a competency examination report to the sheriff or jailer charged with care and control of ~~the~~ the jail in which the defendant is held pending or during a trial or sentencing proceeding, upon the request of the sheriff or jailer.

being

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 971.14 (4) (a) of the statutes is amended to read:

BILL

1 971.14 (4) (a) The court shall cause copies of the report to be delivered forthwith
2 to the district attorney and the defense counsel, or the defendant personally if not
3 represented by counsel. Upon the request of the sheriff or jailer charged with care
4 and control of the jail in which the defendant is being held pending or during a trial
5 or sentencing proceeding, the court shall cause a copy of the report to be delivered
6 to the sheriff or jailer. The report shall not be otherwise disclosed prior to the hearing
7 under this subsection.

8 History: 1981 c. 367; 1985 a. 29, 176; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 85, 403; 1989 a. 31, 107; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 32; 1995 a. 27 s. 9126 (19); 1995 a. 268; 1997 a. 252.

(END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

September 5, 2001

MEMORANDUM

To: Representative Leibham

From: Robin L. Ryan, Legislative Attorney

Re: LRB-3533/1 Access to competency examination records

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6927 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.