

No. 15, A.]

[Published June 23, 1959.

CHAPTER 103

AN ACT to amend 46.106 (1), 51.05 (3) and 51.10 (2) of the statutes, relating to determination of legal settlement in institutional admissions and commitments.

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

SECTION 1. 46.106 (1) of the statutes is amended to read:

46.106 (1) When a person is committed or admitted to a charitable, curative, reformatory or penal institution of the state or of a county (except tuberculosis patients * * * *under* ch. 50 and ss. 51.27 and 58.06 (2)) the committing or admitting * * * *judge* or board shall determine his legal settlement pursuant to s. 49.10, and certify the same to the superintendent of the institution and to the county clerk of the county of legal settlement. The county of his legal settlement shall be charged with his support as provided by law. If it is found that he does not have a legal settlement in the state, the state shall be charged with his support, and the * * * *judge* or board shall submit a transcript of the testimony taken with respect to legal settlement to the department. Nothing shall prevent a recovery of the actual per capita cost of such maintenance by the department or by the county in counties having a population of 500,000 or more, or prohibit the acceptance by the department of payment of the cost of maintenance, or a part thereof, by such person or anyone in his behalf.

SECTION 2. 51.05 (3) of the statutes is amended to read:

51.05 (3) If the patient has a legal settlement in a county which has a county hospital and the court is satisfied that the mental illness or infirmity of the patient is chronic, it may commit him to the county hospital. If he has a legal settlement in a county having a population of 500,000, the commitment shall be to any of the county's hospitals for mental diseases, having due regard to the condition of the patient and the nature of his malady. If the patient has no legal settlement he shall be committed to a state hospital. The * * * *judge* shall, in a summary manner, ascertain the place of the patient's legal settlement. The * * * *judge's* finding shall be included in the order of commitment.

SECTION 3. 51.10 (2) of the statutes is amended to read:

51.10 (2) The superintendent shall forward to the county * * * *judge* of the patient's residence a copy of his application. The * * *

judge shall determine the patient's legal settlement and certify the same to the superintendent. The county of his legal settlement (if he has one) shall be charged with his care, unless his care is privately paid for. A voluntary patient shall be subject to the same laws, rules and regulations as a regularly committed patient, except that he may leave at any time if, in the judgment of the superintendent, he is in fit condition, on 5 days' written notice to the superintendent of his intention to leave, given by the patient or his guardian. The patient shall not be detained over 35 days after such notice is given. If, in the opinion of the superintendent, the patient needs further hospitalization, he may make application to the county where the institution is located, as provided in s. 51.01; and thereafter proceedings shall be as upon other applications. The superintendent's signature on the application shall suffice.

Approved June 17, 1959.
