

1983 Assembly Bill 759

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1983 Wisconsin Act 359

AN ACT to amend 51.37 (9) and 971.17 (2) of the statutes, relating to notification of local law enforcement officials regarding release, discharge or transfer of certain persons.

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

SECTION 1. 51.37 (9) of the statutes is amended to read:

51.37 (9) If in the judgment of the director of ~~central state hospital~~, Mendota mental health institute, Winnebago mental health institute or the Milwaukee county mental health center, any person who is committed under s. 971.14 or 971.17 is not in such condition as warrants his or her return to the court but is in a condition to receive a conditional transfer or discharge under supervision, the director shall report to the department, the committing court and the district attorney of the county in which the court is located his or her reasons for such judgment. If the court does not file objection to the conditional transfer or discharge within 60 days of the date of the report, the director may, with the approval of the department, conditionally transfer any person to a legal guardian or other person, subject to the rules of the department. Before a person is conditionally transferred or discharged under supervision under this subsection, the department shall so notify the municipal police department and county sheriff for the area where the person will be residing. The notification requirement does not apply if a municipal department or county sheriff submits to the department a written statement waiving the right to be notified.

SECTION 2. 971.17 (2) of the statutes is amended to read:

971.17 (2) A reexamination of a defendant's mental condition may be had as provided in s. 51.20 (16), except that the reexamination shall be before the committing court and notice shall be given to the district attorney. The application may be made by the defendant or the department. If the court is satisfied that the defendant may be safely discharged or released without danger to himself or herself or to others, it shall order the discharge of the defendant or order his or her release on such conditions as the court determines to be necessary. If it is not so satisfied, it shall recommit him or her to the custody of the department. Before a person is conditionally released by the court under this subsection, the court shall so notify the municipal police department and county sheriff for the area where the person will be residing. The notification requirement does not apply if a municipal department or county sheriff submits to the court a written statement waiving the right to be notified.
