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CHAPTER 208

AN ACT to amend 51.09 (1), (4) and (5) of the statutes, relating to places for commitment of inebriates and drug addicts.

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

51.09 (1), (4) and (5) of the statutes are amended to read:

51.09 (1) If it appears to any court of record, by an application of 3 reputable adult residents of the county, that a resident of the county or person temporarily residing therein is an inebriate or addicted to the use of narcotic drugs or barbiturates and in need of confinement or treatment, the court shall fix a time and place for hearing the application, on reasonable personal notice to the person in question, requiring him to appear at the hearing, and shall summarily hear the evidence. The court may cause notice to be given to such other persons as it deems advisable. The court may, by attachment for the person, require the sheriff or other police officer to take the alleged inebriate or drug addict into custody, detain him pending the hearing (but not to exceed 3 days) and bring him before the court at the hearing. The court may require notice to be given to known relatives of the person. At such hearing if the court finds that such person is an inebriate or a drug addict, and requires confinement or treatment, or that it is necessary for the protection of himself or the public or his relatives that he be committed, he may be committed to the county hospital or to the county reforestation camp or to the rehabilitation facilities established pursuant to s. 59.06 (76) or to Winnebago or Mendota state hospital or, in counties having a population of 500,000 or more, to the * * * *rehabilitative facilities* of the house of correction of such county. At the hearing the court shall determine the person's legal settlement, and the county of such settlement shall be liable over for his maintenance and treatment. The provisions against detaining patients in jails shall not apply to inebriates or drug addicts except in case of acute illness.

(4) A conditional release may be granted to the inebriate or drug addict under s. 51.13, except that in commitments to the * * * *rehabilitative facilities* of the house of correction in counties having a population of 500,000 or more the superintendent of said institution * * * *has* the same authority as superintendents under s. 51.13 but he shall exercise same only upon written recommendation of the visiting physician.

(5) The department shall provide for treatment for drug addicts and inebriates at the state institutions to which they are committed; and counties having a population of 500,000 or more, shall provide treatment of drug addicts and inebriates in local institutions to which they are committed. For each drug addict or inebriate treated in any county mental hospital the county shall receive the same allowance from the state as it receives for the care of other patients in the same institutions and for each drug addict or inebriate committed to the * * * *rehabilitative facilities* of the house of correction the state shall compensate the county at a rate equal to the actual average per capita cost of operating and maintaining such * * * *rehabilitative facilities* minus \$5 per week. The actual average per capita cost of the * * * *rehabilitative facilities* of the house of correction for the fiscal year ending June 30 (1959) shall be the basis for computing the compensation for the current calendar year and thereafter for each fiscal year ending June 30, the cost computation shall in turn be the basis for the existing calendar year. When any patient is temporarily transferred from the * * * *rehabilitative facilities* of the house of correc-

tion or such other local institution to which he may be committed, to a county general hospital for surgical or medical care or both, the state charges or aid shall continue and shall be paid during the period of such transfer and the cost of such medical or surgical care or both shall be included within the actual average per capita cost of the * * * *rehabilitative facilities* of the house of correction or such other local institutions to which the person has been committed. The superintendent of the house of correction or the superintendent of such other local institution to which a drug addict or inebriate may be committed shall promptly after the expiration of each computation period on June 30 of each year, prepare a statement giving the name of each person and the number of weeks maintained at such institution pursuant to this section during that period, the county of legal settlement if any, the aggregate of such weeks for all persons so maintained and the separate semiannual amounts of compensation to be made by the state, which statement shall be verified by the superintendent and thereafter delivered to the department. The department shall attach to the statement its certificate showing the number of weeks' maintenance furnished and shall file the same with the department of administration, which shall draw its warrant in favor of the county for the compensation specified in the certificate and deliver the warrant to the state treasurer, who shall thereupon pay the same. The department shall appropriately charge the statutory liability of \$5 per week for maintenance and treatment to any other county wherever a person's legal settlement is determined to be any such county under sub. (1).

Approved July 25, 1963.
