

Senate Bill 236

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Chapter 616

AN ACT to amend 51.13 (1) and (2) and 51.21 (4); and to create 51.135 and 51.33 of the statutes, relating to the conditional release of patients and their return on escape, conditional release, parole, or temporary discharge.

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

SECTION 1. 51.13 (1) and (2) of the statutes are amended to read:

51.13 (1) The superintendent of the Mendota state hospital and of the Winnebago state hospital and of the Milwaukee county mental health center, north division and south division, may grant any patient a conditional release if in his opinion it is proper to do so. ~~If within one year after such release it becomes unsafe or improper to allow him to remain at large, the superintendent shall require his return to the hospital. If the superintendent so requests, the sheriff shall return the patient, and the costs incident to such return shall be paid out of the hospital's operating funds and be charged back to the county of the patient's legal settlement.~~

(2) The superintendent of any county hospital or home may, upon the written recommendation of the visiting physician, grant any patient a conditional release for such time and under such conditions as the physician directs, except patients transferred from the central state hospital, ~~who may not be released without the consent of the department, and in the case of those committed under ss. 957.11 and 957.13, without also having the approval of the committing court.~~

SECTION 2. 51.135 of the statutes is created to read:

51.135 RETURN BY SHERIFF. If it becomes unsafe or improper to allow any patient on conditional release, parole or temporary discharge

to remain at large, the superintendent of the institution from which such patient was released shall require his return to such institution. It is the duty of the sheriff of the county in which such patient is found, and upon request of the superintendent of the institution from which such patient was released, to take charge of and return such patient to such institution, and the costs incident to such return shall be paid out of the institution's operating fund and be charged back to the county of the patient's legal settlement.

SECTION 3. 51.21 (4) of the statutes is amended to read:

51.21 (4) All statutes relating to state hospitals, except section 51.12 (1), (2), (4) and (5), are applicable to the central state hospital. Sections 51.13 (1) and (3) and 51.22 (4) are applicable only to *patients committed under ch. 51* and to patients whose prison sentences have expired.

SECTION 4. 51.33 of the statutes is created to read:

51.33 RESIDENT ESCAPED PATIENTS, RETAKING. If any patient escapes from any institution for the mentally ill or mentally retarded, it is the duty of the sheriff of the county in which such patient is found, and upon request of the superintendent of the institution from which such patient has escaped, to take charge of and return such patient to the institution from which he escaped, and the costs incident to such return shall be paid out of the institution's operating funds and be charged back to the county of the patient's legal settlement.

Approved July 2, 1966.
