



## 1995 SENATE BILL 97

March 8, 1995 - Introduced by Senators PETAK, RUDE, LEEAN, BUETTNER, FARROW, COWLES, DRZEWIECKI, SCHULTZ and FITZGERALD, cosponsored by Representatives LADWIG, DOBYNS, PLACHE, WOOD, WIRCH, GOETSCH, LEHMAN, PORTER, GREEN, JENSEN, SCHNEIDERS, MUSSER, OTT, LORGE, UNDERHEIM, BRANDEMUEHL, DUFF, GARD, FREESE, SILBAUGH, NASS, AINSWORTH, HAHN, SKINDRUD, WALKER and KREIBICH. Referred to Committee on State Government Operations and Corrections.

1     **AN ACT to amend** 302.336 (3) (intro.), 302.38 (1), 302.38 (2), 302.38 (4) and 302.38  
2           (5) of the statutes; **relating to:** medical care for county jail and house of  
3           correction prisoners.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a county jail prisoner is liable for the costs of medical or hospital care provided outside a jail. In addition, a county or other unit of government that pays medical or hospital costs for a county jail prisoner may sue to recover those costs from the prisoner or the prisoner's estate. This bill specifies that this recovery may be for the costs of care provided in or out of the jail. In addition, the bill gives the sheriff the authority to charge the prisoner directly for the costs of medical care provided in a county jail. Lastly, the bill specifies that all of these liability provisions also apply to county houses of correction.

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

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

4           **SECTION 1.** 302.336 (3) (intro.) of the statutes is amended to read:  
5           302.336 (3) (intro.) Except as provided in sub. (4) and ~~s. ss.~~ ss. 302.33 (2) and  
6           302.38, a county under sub. (1) is solely responsible for:

7           **SECTION 2.** 302.38 (1) of the statutes is amended to read:

1           302.38 (1) If a prisoner needs medical or hospital care or is intoxicated or  
2 incapacitated by alcohol the sheriff, superintendent or other keeper of the jail or  
3 house of correction shall provide appropriate care or treatment and may transfer the  
4 prisoner to a hospital or to an approved treatment facility under s. 51.45 (2) (b) and  
5 (c), making provision for the security of the prisoner. The sheriff, superintendent or  
6 other keeper may charge a prisoner for the costs of providing medical care to the  
7 prisoner while he or she is in the jail or house of correction.

8           **SECTION 3.** 302.38 (2) of the statutes is amended to read:

9           302.38 (2) The prisoner is liable for the costs of medical and hospital care  
10 outside of the jail or house of correction. If the prisoner is unable to pay the costs,  
11 the county shall pay the costs in the case of persons held under the state criminal  
12 laws or for contempt of court and, except as provided in s. 302.336 (2) and (3) (b), a  
13 municipality shall pay the costs in the case of persons held under municipal  
14 ordinance by the municipality.

15           **SECTION 4.** 302.38 (4) of the statutes is amended to read:

16           302.38 (4) The governmental unit paying the costs of medical or hospital care  
17 under this section, regardless of whether the care is provided in or out of the jail or  
18 house of correction, may collect the value of the same from the prisoner or the  
19 prisoner's estate as provided for in s. 49.08.

20           **SECTION 5.** 302.38 (5) of the statutes is amended to read:

21           302.38 (5) This section does not require the sheriff, superintendent or keeper  
22 of the jail or house of correction to provide or arrange for the provision of appropriate  
23 care or treatment if the prisoner refuses appropriate care or treatment.

24           **SECTION 6. Initial applicability.**

1           (1) This act first applies to care provided on the effective date of this  
2 subsection.

3                                       (END)