

No. 169, S.]

[Published August 9, 1951.

CHAPTER 701.

AN ACT to amend 45.30, 51.01 (2) (a), 51.02 (1) (a) and 51.09 (1); and to create 51.04 (5) of the statutes, relating to commitment of the mentally ill, inebriates and drug addicts.

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

SECTION 1. 45.30 of the statutes is amended to read:

45.30 (1) Whenever it appears that any veteran is eligible for treatment in a United States veterans' facility and commitment is necessary for the proper care and treatment of such veteran, the * * * *county judge* of the county in which the veteran is found, may, upon receipt of a certificate of eligibility from the veterans' administration, after adjudging the veteran insane in accordance with law, direct such veteran's commitment to the veterans' administration for hospitalization in a United States veterans' facility. Upon admission to any such facility, the veteran shall be subject to the rules and regulations of the veterans' administration. The chief officer of such facility is vested with the same powers exercised by superintendents of state hospitals for mental diseases within this state with reference to the retention, transfer or parole of the veteran committed. Notice of pending commitment proceedings shall be furnished the person to be committed and his right to appear and defend shall not be denied. The commitment of a veteran to a veterans' facility within this state by a * * * *judge of a court of record* of another state under a similar provision of law has the same force and effect as if such commitment were made by a * * * *county judge* of this state. After a veteran has been legally committed to any hospital or asylum for the insane in this state the superintendent of such hospital or asylum in any county having a population of 500,000 or more or the state department of public welfare when the commitment has been made to any other such hospital or asylum upon receipt of a certificate of eligibility from the veterans' administration evidencing the right of such veteran to be admitted to a veterans' facility may transfer such veteran to such facility and the cost of the veteran's transportation, together with

that of any necessary attendant, shall be a proper charge against such veteran's care in such institution. After such transfer the powers granted by this section to the superintendent of such veterans' facility shall be applicable. Any veteran transferred as provided in this subsection shall be deemed committed to the veterans' administration pursuant to the original commitment.

(2) Before adjudging a veteran insane in accordance with law, the * * * county judge, upon the receipt of a certificate of eligibility from the veterans' administration, may commit such veteran to a veterans' administration facility to be detained for a reasonable length of time, to be fixed by the * * * county judge, for the purpose of observation. Whenever an application to determine insanity is made in the manner prescribed by section 51.01, the * * * county judge shall make such inquiry as he may * * * deem necessary and proper to ascertain whether the alleged insane person is eligible for treatment in a veterans' administration facility, and shall notify the Wisconsin department of veterans' affairs of the pendency of such action and of the commitment.

SECTION 2. 51.01 (2) (a) of the statutes is amended to read:

51.01 (2) (a) On receipt of the application the judge shall appoint 2 duly licensed reputable physicians to personally examine the patient, one of whom, if available, must have had 2 years' practice of his profession or one year of practice in a hospital for the mentally ill, and who are so registered by the judge on a list kept in his office, and neither of whom is related by blood or marriage to the patient or has any interest in his property. *The judge may, by attachment for the person of the patient, compel him to submit to the examination of the physicians at a specified time and place.*

SECTION 3. 51.02 (1) (a) of the statutes is amended to read:

51.02 (1) (a) On receipt of the application or of the report of the examining physicians, the judge shall appoint a time and place for hearing the application and shall cause notice thereof to be served upon the patient in the manner prescribed in section 262.08 (1), which notice shall state that application has been made for an examination into his mental condition (withholding the names of the applicants) and that such application will be heard at the time and place named in the notice; but if it appears to the satisfaction of the judge that the notice would be injurious or without advantage to the patient by reason of his mental condition, the service of notice may be omitted. The judge may, in his discretion, cause notice to be given to such other persons as he deems advisable. If the notice is served the judge may proceed to hold the hearing at the time and place specified therein; or, if it is dispensed with, at any time. *The judge may, by attachment for the person of the patient, cause him to be brought before the judge for the hearing.*

SECTION 4. 51.04 (5) of the statutes is created to read:

51.04 (5) TREATMENT. When a patient is temporarily detained in a state hospital for the mentally ill, the superintendent thereof may cause the patient to be treated during the detention period if in his judgment such treatments are necessary for the patient's health.

SECTION 5. 51.09 (1) of the statutes is amended to read:

51.09 (1) If it appears to any judge of a 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 a narcotic drug addict and in need of confinement or treatment, the judge 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 judge may, in his discretion, cause notice to be given to such other persons as he deems advisable. The judge 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 judge at the hearing.* The judge may require notice to be given to known relatives of the person. At such hearing if the judge finds that such person is an inebriate or a narcotic 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 Winnebago or Mendota state hospital. At the hearing the judge 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.

Approved July 19, 1951.