

No. 627, S.]

[Published November 26, 1955.

CHAPTER 654

AN ACT to amend various provisions in chapter 51 and to amend 59.28 (37) of the statutes, all as affected by acts of the 1955 legislature, relating to mental health, for the purpose of reconciling conflicts and supplying omissions.

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

SECTION 1. The amendments made to 51.01 (1) (a), 51.02 (2), 51.03 (intro. par.), 51.05 (1), 51.06 (1), 51.11 (1) and (5) and 51.21 (3) (b) and (d) of the statutes by chapter 457, laws of 1955, are not repealed by chapter 506, laws of 1955. Amendments made by both acts stand.

SECTION 2. 51.01 (2) of the statutes, as amended by chapter 506, laws of 1955, is amended to read:

51.01 (2) (a) On receipt of the application the court shall appoint 2 duly licensed reputable physicians to personally examine the patient, one of whom, if available, * * * *shall be a physician with special training in psychiatry*, and who are so registered by the court on a list kept in the clerk's office, and neither of whom is related by blood or marriage to the patient or has any interest in his property. The court 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.

(b) The examining physician shall personally observe and examine the patient *at any suitable place* and satisfy themselves as to his mental condition and report the result to the court, in writing, at the earliest possible time or the time fixed by the court.

SECTION 3. 51.01 (4) of the statutes, as amended by chapter 506, laws of 1955, is amended to read:

51.01 (4) The examining physicians, as part of their report, shall make and file substantially the following affidavit:

We, ----- and -----, the examining physicians, being severally sworn, do certify that we have with care personally examined [insert name of person examined] now at ----- in said county, and as a result of such examination we hereby certify * * * (a) *that he is mentally ill [or mentally infirm or mentally deficient] or that he is not mentally ill [or mentally infirm or mentally deficient]; and (b) that he is [or is not] a proper subject for custody and treatment;* that our opinion is based upon the history of his case and our examination of him; that the facts stated and the information contained in this certificate and our report are true to the best of our knowledge and belief. We informed the patient that he was examined by us as to his mental condition, pursuant to an application made therefor, and of his right to be heard by the court.

SECTION 4. 51.04 (1) of the statutes, as amended by chapter 457, laws of 1955, is amended to read:

51.04 (1) The sheriff or any other police officer may take into temporary custody any person who is violent or who threatens violence and who appears irresponsible and dangerous. The sheriff or other police officer shall take temporary custody of any person when it appears by application delivered to such officer and executed by 3 persons, one of whom shall be a physician licensed to practice medicine and surgery in this state, that such person has a mental illness, is in need of hospitalization, and is irresponsible and dangerous to himself or others. The application shall set forth the name and address of the patient together with a statement by the physician which describes the illness and reasons why the patient is considered irresponsible and dangerous. This is an emergency provision intended for the protection of persons and property. Such person may be kept in custody until regular proceedings are instituted to cope with the case, but not exceeding 5 days. The application provided for herein shall be presented by such sheriff or other police officer to the county or district * * * *court* of the county in which the patient is found, and shall be considered an application for mental examination within the meaning of s. 51.01 (1) (a).

SECTION 5. 51.04 (2) of the statutes, as amended by chapter 506, laws of 1955, is amended to read:

51.04 (2) If it appears from the application for his mental examination or otherwise that safety requires it, the court *or a court commissioner if the judge is not available* may order the sheriff or other police officer

who has such person in custody to confine him in a designated place for a specified time, not exceeding 10 days.

SECTION 6. 51.04 (4) of the statutes, as amended by chapter 506, laws of 1955, is repealed; and 51.04 (4), as repealed and recreated by chapter 457, laws of 1955, is amended to read:

51.04 (4) TEMPORARY CUSTODY. Temporary custody or detention shall be in a hospital where there are suitable psychiatric facilities and which has been approved by the * * * court, or if there is no such hospital in the county, in a place of temporary detention until arrangements can be made for transportation to a facility where psychiatric services are available. If a facility other than a hospital is used, the patient shall be under the care of a physician during the period of temporary detention.

SECTION 7. 51.065 (1) of the statutes, as amended by chapter 506, laws of 1955, is amended to read:

51.065 (1) In all cases of mental deficiency which have been definitely and conclusively established by 2 physicians licensed in Wisconsin specializing preferably in pediatric or psychiatric medicine, whose opinions concur with regard to said mental deficiency, the physicians may, upon receiving a written request from the parents or surviving parent or general guardian of such person, issue a report on a form furnished by the court, which report shall have appended to it the affidavit of the physicians that they have personally examined the patient; that in their opinion he is mentally deficient and a proper subject for custody and treatment; that the parents or surviving parent or general guardian of such person have requested in writing that he be committed to the southern, central or northern colony and training school.

SECTION 8. 51.07 (1) and (2) of the statutes, as amended by chapter 506, laws of 1955, are amended to read:

51.07 (1) Except in Milwaukee county, the judge shall receive a fee of \$5 and 10 cents per mile for necessary travel for holding court on the hearing of an application for commitment and all matters and papers connected therewith.

(2) Unless previously fixed by the county board of the county in which the examination is held, the examining physician shall receive a fee of not less than \$4 nor more than * * * \$20 as fixed by the court, for * * * participation in the proceedings, and 10 cents per mile for necessary travel.

SECTION 9. The amendment made to 51.09 (1) of the statutes by chapter 180, laws of 1955, is not repealed by chapter 506, laws of 1955. Both amendments stand.

SECTION 10. 51.10 (1) of the statutes, as amended by chapter 506, laws of 1955, is amended to read:

51.10 (1) Any resident adult of this state, believing himself to be suffering from any mental * * * illness, infirmity or deficiency, upon his written application stating his condition, supported by the certificate of his physician, based upon personal examination, may be admitted as a voluntary patient to any suitable state or county institution without an order of the court and in the discretion of the superintendent. Any resident minor * * * may be admitted upon application signed by a parent * * * with actual custody or the legal guardian of the person of such minor, supported by a like certificate.

SECTION 11. 51.21 (3) (e) of the statutes, as amended by chapter 506, laws of 1955, is amended to read:

51.21 (3) (e) The provisions of s. 51.11 relating to re-examination shall apply to such prisoner if found to be mentally ill, infirm * * * or deficient * * *, except that the application shall be made to the court which made such finding , or if he is detained by transfer under sub. (2), to the county court of the county in which he is detained. If upon such rehearing he is found not to be mentally ill, infirm * * * or deficient * * *, he shall be returned to the prison unless his term has expired. If his term has expired he shall be discharged. The time spent at the central state hospital or Winnebago state hospital shall be included as part of the sentence already served.

SECTION 12. 51.22 (5) of the statutes, as last amended by chapter 506, laws of 1955, is amended to read:

51.22 (5) The superintendent of either school or central state hospital, with the approval of the department, or the superintendent of any county hospital, with the approval of the visiting physician, may permanently discharge from custody * * * any mentally deficient * * * person who has been on a temporary discharge for one year or more, and who has continued to demonstrate fitness to be at large. Notice of such permanent discharge shall be filed with the committing court by the superintendent. After permanent discharge, if it becomes necessary for such person to have further institutional care and treatment, a new commitment must be obtained, following the procedure for original commitment.

SECTION 13. 59.28 (37) of the statutes as last amended by chapter 506, laws of 1955, is amended to read:

59.28 (37) For bringing a person alleged to be mentally ill, infirm * * * or deficient * * * before the court and subpoenaing witnesses, the fees allowed him in other cases; for taking such patient to a hospital or removing one therefrom, \$5 per day and his necessary expenses and the actual expenses for the support and transportation of the patient, and * * * not to exceed \$12 per day and necessary expenses of such assistants as may be ordered by the court.

Approved November 18, 1955.
