



**SENATE AMENDMENT 1,  
TO 1995 SENATE BILL 270**

November 1, 1995 – Offered by COMMITTEE ON HEALTH, HUMAN SERVICES AND AGING.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 12: delete the 2nd “and” and substitute a comma.

3 **2.** Page 1, line 13: after “reports” insert “and making an appropriation”.

4 **3.** Page 6, line 24: delete “who is believed to be mentally ill” and substitute:  
5 “, other than an individual who is believed to be drug dependent or developmentally  
6 disabled”.

7 **4.** Page 7, line 1: delete lines 1 to 4 and substitute:

8 “a. After the advantages and disadvantages of and alternatives to accepting a  
9 particular medication or treatment have been explained to him or her, either  
10 incapability of expressing an understanding of the advantages, disadvantages and  
11 alternatives, or substantial incapability of applying an understanding of the  
12 advantages, disadvantages and alternatives in order to make an informed choice as  
13 to whether to accept or refuse medication or treatment.”.

14 **5.** Page 7, line 9: delete “suffers” and substitute “suffer”.

1           **6.** Page 13, line 1: delete “who is alleged to be mentally ill, evidences” and  
2 substitute: “other than an individual who is alleged to be drug dependent or  
3 developmentally disabled.”

4           **7.** Page 13, line 2: delete lines 2 to 5 and substitute: “after the advantages and  
5 disadvantages of and alternatives to accepting a particular medication or treatment  
6 have been explained to him or her, evidences either incapability of expressing an  
7 understanding of the advantages, disadvantages and alternatives, or substantial  
8 incapability of applying an understanding of the advantages, disadvantages and  
9 alternatives in order to make an informed choice as to whether to accept or refuse  
10 medication or treatment; and evidences a substantial probability, as demon-”.

11           **8.** Page 25, line 9: after that line insert:

12           “**SECTION 30g.** 51.61 (1) (g) 2. of the statutes is amended to read:

13           51.61 **(1)** (g) 2. At or after the hearing to determine probable cause for  
14 commitment but prior to the final commitment order, other than for a subject  
15 individual who is alleged to meet the commitment standard under s. 51.20 (1) (a) 2.  
16 e., the court shall, upon the motion of any interested person, and may, upon its own  
17 motion, hold a hearing to determine whether there is probable cause to believe that  
18 the individual is not competent to refuse medication or treatment and whether the  
19 medication or treatment will have therapeutic value and will not unreasonably  
20 impair the ability of the individual to prepare for or participate in subsequent legal  
21 proceedings. If the court determines that there is probable cause to believe the  
22 allegations under this subdivision, the court shall issue an order permitting  
23 medication or treatment to be administered to the individual regardless of his or her  
24 consent. The order shall apply to the period between the date of the issuance of the

1 order and the date of the final order under s. 51.20 (13), unless the court dismisses  
2 the petition for commitment or specifies a shorter period. The hearing under this  
3 subdivision shall meet the requirements of s. 51.20 (5), except for the right to a jury  
4 trial.

5 **SECTION 30h.** 51.61 (1) (g) 2. of the statutes, as affected by 1995 Wisconsin Act  
6 .... (this act), is repealed and recreated to read:

7 51.61 (1) (g) 2. At or after the hearing to determine probable cause for  
8 commitment but prior to the final commitment order, the court shall, upon the  
9 motion of any interested person, and may, upon its own motion, hold a hearing to  
10 determine whether there is probable cause to believe that the individual is not  
11 competent to refuse medication or treatment and whether the medication or  
12 treatment will have therapeutic value and will not unreasonably impair the ability  
13 of the individual to prepare for or participate in subsequent legal proceedings. If the  
14 court determines that there is probable cause to believe the allegations under this  
15 subdivision, the court shall issue an order permitting medication or treatment to be  
16 administered to the individual regardless of his or her consent. The order shall apply  
17 to the period between the date of the issuance of the order and the date of the final  
18 order under s. 51.20 (13), unless the court dismisses the petition for commitment or  
19 specifies a shorter period. The hearing under this subdivision shall meet the  
20 requirements of s. 51.20 (5), except for the right to a jury trial.”.

21 **9.** Page 25, line 11: on lines 11 to 13, delete the underscored material and  
22 substitute: “, other than for a subject individual who is determined to meet the  
23 commitment standard under s. 51.20 (1) (a) 2. e.”.

