



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 140**

January 15, 1998 – Offered by COMMITTEE ON HEALTH, HUMAN SERVICES, AGING,
CORRECTIONS, VETERANS AND MILITARY AFFAIRS.

1 **AN ACT to amend** 19.32 (3), 19.35 (5), 19.37 (1m) and 19.37 (2) (a); and **to create**
2 19.32 (1b) and 19.32 (1d) of the statutes; **relating to:** access to public records.

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

3 **SECTION 1.** 19.32 (1b) of the statutes is created to read:

4 19.32 (1b) “Committed person” means a person who is committed under ch. 51,
5 971, 975 or 980 and who is placed in an inpatient treatment facility, during the period
6 that the person’s placement in the inpatient treatment facility continues.

7 **SECTION 2.** 19.32 (1d) of the statutes is created to read:

8 19.32 (1d) “Inpatient treatment facility” means any of the following:

- 9 (a) A mental health institute, as defined in s. 51.01 (12).
10 (b) The Wisconsin resource center established under s. 46.056.
11 (c) A secure mental health unit or facility established under s. 980.065 (2).
12 (d) The Milwaukee county mental health complex established under s. 51.08.

1 **SECTION 3.** 19.32 (3) of the statutes is amended to read:

2 19.32 (3) "Requester" means any person who requests inspection or copies of
3 a record, except ~~an~~ a committed or incarcerated person, unless the person requests
4 inspection or copies of a record that contains specific references to that person or his
5 or her minor children for whom he or she has not been denied physical placement
6 under ch. 767, and the record is otherwise accessible to the person by law.

7 **SECTION 4.** 19.35 (5) of the statutes is amended to read:

8 19.35 (5) RECORD DESTRUCTION. No authority may destroy any record at any
9 time after the receipt of a request for inspection or copying of the record under sub.
10 (1) until after the request is granted or until at least 60 days after the date that the
11 request is denied or, if the requester is ~~an~~ a committed or incarcerated person, until
12 at least 90 days after the date that the request is denied. If an authority receives
13 written notice that an action relating to a record has been commenced under s. 19.37,
14 the record may not be destroyed until after the order of the court in relation to such
15 record is issued and the deadline for appealing that order has passed, or, if appealed,
16 until after the order of the court hearing the appeal is issued. If the court orders the
17 production of any record and the order is not appealed, the record may not be
18 destroyed until after the request for inspection or copying is granted.

19 **SECTION 5.** 19.37 (1m) of the statutes is amended to read:

20 19.37 (1m) TIME FOR COMMENCING ACTION. No action for mandamus under sub.
21 (1) to challenge the denial of a request for access to a record or part of a record may
22 be commenced by any committed or incarcerated person later than 90 days after the
23 date that the request is denied by the authority having custody of the record or part
24 of the record.

25 **SECTION 6.** 19.37 (2) (a) of the statutes is amended to read:

