

1999 DRAFTING REQUEST

Bill

Received: **04/8/99**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Megna**

This file may be shown to any legislator: NO

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Correctional System - prisons
Mental Health - detent/commit**

Extra Copies: **MGD
DAK**

Pre Topic:

No specific pre topic given

Topic:

Involuntary commitment of prison inmates

Instructions:


See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	olsenje 04/10/99	jgeller 04/12/99		_____			State
/1			jfrantze 04/12/99	_____	lrb-docadmin 04/12/99	lrb-docadmin 05/19/99	

FE Sent For:

<END>

sent


1999 DRAFTING REQUEST

Bill

Received: **04/8/99**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Megna**

This file may be shown to any legislator: NO

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Correctional System - prisons
Mental Health - detent/commit**

Extra Copies: **MGD
DAK**

Pre Topic:

No specific pre topic given

Topic:

Involuntary commitment of prison inmates

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
I?	olsenje 04/10/99	jgeller 04/12/99		_____			State
/1			jfrantze 04/12/99	_____	lrb_docadmin 04/12/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: **04/8/99**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Megna**

This file may be shown to any legislator: NO

Drafter: **olsenje**

May **Contact:**

Alt. Drafters:

Subject: **Correctional System - prisons
Mental Health - detent/commit**

Extra Copies: **MGD
DAK**

Pre Topic:

No specific pre topic given

Topic:

Involuntary commitment of prison inmates

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
I?	olsenje	1 4/12 JLG	6 4/12	6 4/12 4/12			

FE Sent For:

<END>

Soon

In Note

JLg

2871/1

DOA? ... Jablonsky - Inmate commitments

~~FOR INTRODUCTION - NOT READY FOR INTRODUCTION~~

gen. cat.

1 AN ACT ^A (...; relating to: the involuntary commitment of prisoners for mental
2 health treatment.

Analysis by the Legislative Reference Bureau

~~HEALTH AND HUMAN SERVICES~~

~~MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES~~

3
→

Current law provides a procedure for involuntarily committing persons to a mental health facility for mental health treatment. This procedure usually is begun by the filing of a petition alleging that the person is mentally ill, drug dependent or developmentally disabled, that the person is a proper subject for treatment and that, based on certain specified standards, the person is dangerous because he or she may harm himself, herself or others. If these allegations are found to be true, the person may initially be committed for treatment for a period not to exceed ~~8~~ ^{six} months. In addition, a commitment order may be extended after an evaluation of the person. Each consecutive commitment order may be for a period not to exceed 12 months.

An inmate of a jail, house of correction or prison may be subject to an involuntary commitment proceeding based on a petition described above. However, there is an alternative petition that may be used to begin an involuntary commitment proceeding against an inmate. This alternative petition must allege all of the following: 1) that the inmate is mentally ill, is a proper subject for treatment and is in need of treatment; 2) that the inmate has been fully informed about, and has had the opportunity to discuss, his or her treatment needs and the mental health

services available to him or her; and 3) that appropriate less restrictive forms of treatment have been attempted and have been unsuccessful. If an inmate is committed based on an alternative petition, the total period that the inmate may be committed may not exceed 180 days in any 365-day period.

This bill extends the time period for which an inmate of a state prison may be committed based on an alternative petition. Under the bill, any order of commitment of a state prison inmate that is based on an alternative petition may be for a period not to exceed one year. The bill does not change the current time limits on the commitment of an inmate of a jail or house of correction based on an alternative petition.

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

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

1 **SECTION 1.** 51.20 (13) (g) 1. of the statutes is amended to read:

2 51.20 (13) (g) 1. Except as provided in ~~subd. subds. 2., 2f. and 2g.~~, the first order
3 of commitment of a subject individual under this section may be for a period not to
4 exceed 6 months, and all subsequent consecutive orders of commitment of the
5 individual may be for a period not to exceed one year.

6 **SECTION 2.** 51.20 (13) (g) 2f. of the statutes is created to read:

7 51.20 (13) (g) 2f. Any order of commitment of a subject individual under par.
8 (a) 4., following proof of the allegations under sub. (1) (ar), may be for a period not
9 to exceed one year.

10 **SECTION 3.** 51.20 (13) (g) 2g. of the statutes is amended to read:

11 51.20 (13) (g) 2g. The total period a person may be committed pursuant to
12 commitments ordered under par. (a) ~~4. or 4m.~~, following proof of the allegations
13 under sub. (1) ~~(ar) or~~ (av), may not exceed 180 days in any 365-day period.

14 **SECTION 4.** 51.20 (13) (g) 2m. of the statutes is amended to read:

1 51.20 (13) (g) 2m. In addition to the provisions under subds. 1., 2., 2f. and 2g.,
2 no commitment ordered under par. (a) 4. or 4m. may continue beyond the inmate's
3 date of release on parole or extended supervision, as determined under s. 302.11 or
4 302.113, whichever is applicable.

5 **SECTION 5.** 51.20 (13) (g) 2r. of the statutes is amended to read:

6 51.20 (13) (g) 2r. Twenty-one days prior to expiration of the period of
7 commitment under subd. 1., 2., 2f., 2g. or 2m., the department, if the individual is
8 committed to the department, or the county department to which an individual is
9 committed shall file an evaluation of the individual and the recommendation of the
10 department or county department regarding the individual's recommitment with the
11 committing court and provide a copy of the evaluation and recommendation to the
12 individual's counsel and the counsel designated under sub. (4). If the date for filing
13 an evaluation and recommendation under this subdivision falls on a Saturday,
14 Sunday or legal holiday, the date which is not a Saturday, Sunday or legal holiday
15 and which most closely precedes the evaluation and recommendation filing date
16 shall be the filing date. A failure of the department or the county department to
17 which an individual is committed to file an evaluation and recommendation under
18 this subdivision does not affect the jurisdiction of the court over a petition for
19 recommitment.

20 **SECTION 9323. Initial applicability; health and family services.**

21 (1) **DURATION OF CERTAIN ORDERS OF COMMITMENT OF PRISON INMATES.** The
22 treatment of section 51.20 (13) (g) 2f. and 2g. of the statutes first applies to
23 proceedings in which a petition is filed under section 51.20 (1) of the statutes on the
24 effective date of this subsection.

25 **(END)**

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2871/1dn

JEO:.....

↑
JEO

Richard Megna:

This draft relates to Yank # 150.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 2664906
E-mail: Jefren.Olsen@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2871/1dn
JEO:jlg:jf

April 12, 1999

Richard Megna:

This draft relates to Yank #150.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us