

1999 SENATE BILL 314

December 29, 1999 - Introduced by Senators GEORGE, HUELSMAN, ROESSLER, DARLING and ROSENZWEIG, cosponsored by Representatives URBAN, UNDERHEIM, BOCK, VRAKAS, TURNER, OLSEN, RYBA, F. LASEE, KREUSER, SYKORA, GRONEMUS, SKINDRUD, PLOUFF, STONE, SPILLNER, KESTELL and MUSSER. Referred to Committee on Insurance, Tourism, Transportation and Corrections.

1 **AN ACT to amend** 51.20 (13) (g) 1., 51.20 (13) (g) 2g., 51.20 (13) (g) 2m. and 51.20
2 (13) (g) 2r.; and **to create** 51.20 (13) (g) 2f. of the statutes; **relating to:** the
3 involuntary commitment of prisoners for mental health treatment.

Analysis by the Legislative Reference Bureau

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 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

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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:

15 51.20 (13) (g) 2m. In addition to the provisions under subds. 1., 2., 2f. and 2g.,
16 no commitment ordered under par. (a) 4. or 4m. may continue beyond the inmate's

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1 date of release on parole or extended supervision, as determined under s. 302.11 or
2 302.113, whichever is applicable.

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

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

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

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

23 (END)