

1999 SENATE BILL 513

March 28, 2000 - Introduced by Senators BRESKE and ROESSLER, cosponsored by Representative UNDERHEIM. Referred to Committee on Judiciary and Consumer Affairs.

1 AN ACT *to create* 940.20 (1g) of the statutes; **relating to:** battery by persons
2 detained or committed under certain civil commitment laws and providing a
3 penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a prisoner confined to a state prison or other state, county or municipal detention facility from intentionally causing bodily harm to another prisoner or to an officer, employe or visitor of the prison or facility without the consent of the person harmed. A prisoner convicted of violating this prohibition may be fined not more than \$10,000 or imprisoned for not more than ten years or both.

Current law also provides various procedures by which a person may be involuntarily committed to a treatment facility for mental health treatment, including the following: 1) a procedure for committing a person who has a mental illness and who, based on evidence of certain acts, omissions or other behavior, satisfies at least one of five standards of dangerousness; 2) a procedure for the commitment of persons who are charged with a crime but who are found not competent to stand trial; 3) a procedure for committing a person who is found not guilty of a criminal charge because he or she has a mental disease or defect; and 4) a procedure for committing a sexually violent person, which is a person who has committed certain sexually violent offenses and who is dangerous because he or she suffers from a mental disorder that makes it substantially probable that the person will engage in acts of sexual violence in the future. In addition, under prior law a person who was convicted of committing certain sex crimes could be committed for

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treatment instead of being sentenced. Though this law was repealed in 1980, there are currently persons who remain subject to commitments that began before the repeal of the law.

This bill prohibits a person who has been involuntarily committed to certain treatment facilities for mental health treatment under one of the procedures mentioned above, or a person who has been detained in certain treatment facilities while the procedure is pending, from intentionally causing bodily harm to an officer, employe or visitor of the treatment facility or to another person who is detained in or committed to the treatment facility without the consent of the person injured. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than ten years or both. The treatment facilities covered by the bill are the maximum security facility at the Mendota Mental Health Institute, the Wisconsin Resource Center, a secure mental health facility established for the custody, care and treatment of sexually violent persons and the Milwaukee County Mental Health Complex.

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

1 **SECTION 1.** 940.20 (1g) of the statutes is created to read:

2 **940.20 (1g) BATTERY BY DETAINED OR COMMITTED PERSON.** (a) In this subsection:

3 1. “Detained or committed person” means a person who is detained or
4 committed under ch. 51, 971, 975 or 980.

5 2. “Inpatient treatment facility” means any of the following:

6 a. The maximum security facility at the Mendota Mental Health Institute.

7 b. The secure mental health facility established under s. 46.055.

8 c. The Wisconsin Resource Center established under s. 46.056.

9 d. A secure mental health unit or facility established under s. 980.065 (2).

10 e. The Milwaukee County Mental Health Complex established under s. 51.08.

11 (b) Any detained or committed person confined to an inpatient treatment
12 facility who intentionally causes bodily harm to an officer, employe or visitor of the
13 inpatient treatment facility or to another detained or committed person confined to

