

1999 DRAFTING REQUEST

Bill

Received: 03/15/2000

Received By: **olsenje**

Wanted: **Today**

Identical to LRB:

For: **Health and Family Services**

By/Representing: **Kevin Lewis**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Battery by detained or committed person

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 03/15/2000	jgeller 03/15/2000		_____			
/1			hhagen 03/15/2000	_____	lrb_docadmin 03/15/2000	lrb_docadmin 03/15/2000	

FE Sent For:

Not Needed

<END>

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1?	olsenje	1 3/15/99	Nh 3/15	Nh 3/15			

FE Sent For:

<END>

1999

Date (time) needed

By Thurs 3/16 if possible

LRB - 4760 1 1

JED : JG :

BILL

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . . of the statutes; relating to: battery by persons detained or committed under certain civil commitment laws and providing a penalty.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: create -> anal: -> title: -> head

For the subheading [old =S], execute: create -> anal: -> title: -> sub

For the sub-subheading [old =P], execute: create -> anal: -> title: -> sub-sub

ANALYSIS INSERT

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

SECTION #.

~~SENATE AMENDMENT,~~
~~TO 1999 SENATE BILL 404~~

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

2 1. Page 2, line 7: after "proceeding," insert "battery by persons detained or
3 committed under certain civil commitment laws,".

4 2. Page 21, line 7: after that line insert:

5 ~~SECTION 371a.~~ ^{371a} 940.20 (1g) of the statutes is created to read:

6 940.20 (1g) BATTERY BY DETAINED OR COMMITTED PERSON. (a) In this subsection:

7 1. "Detained or committed person" means a person who is detained or
8 committed under ch. 51, 971, 975 or 980.

9 2. "Inpatient treatment facility" means any of the following:

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

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

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

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

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

2 (b) Any detained or committed person confined to an inpatient treatment

3 facility who intentionally causes bodily harm to an officer, employe or visitor of the

4 inpatient treatment facility or to another detained or committed person confined to

5 the inpatient treatment facility, without the consent of the person injured, is guilty

6 of a Class D felony. *Se*

7

(END)

1

ANALYSIS INSERT:

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 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.

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 03/15/2000

To: Health and Family Services


Relating to LRB drafting number: LRB-4760

Topic

Battery by detained or committed person

Subject(s)

Criminal Law - miscellaneous

1. **JACKET** the draft for introduction 

in the Senate or the Assembly (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Senior Attorney
Telephone: (608) 266-8906