

Assembly Hearing Slip

(Please print plainly)

Date: 1-26-00

Bill No. AB 633

Or: \_\_\_\_\_

Subject: FRANK W. VEZINA

(Name)

3645 EMBERSWOOD

(Street Address or Route Number)

BORWICK ST, 53005

(City & Zip Code)

999 HESSENG. DIST

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 1/26/00

Bill No. AB 633

Or: \_\_\_\_\_

Subject: JANE ELBID

(Name)

149 E. WILSON

(Street Address or Route Number)

MADISON 53713

(City & Zip Code)

DHES

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 1/26/00

Bill No. AB 633

Or: \_\_\_\_\_

Subject: PAUL HARRIS

(Name)

OFFICE OF LEGAL COUNSEL

(Street Address or Route Number)

(City & Zip Code)

DHES

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 1/26/00

Bill No. AB 633

Or  
Subject: \_\_\_\_\_

Thomas John Michlowski  
(Name)

P.O. Box 16  
(Street Address or Route Number)

Winthrop, WI 53085  
(City & Zip Code)

WRCA  
(Representing)

Speaking *In favor:*

Speaking *against:*

Registering *In favor:*

Registering *against:*

Speaking for *Information only:*   
Neither for nor *against:*

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 1/26/00

Bill No. AB 633

Or  
Subject: \_\_\_\_\_

ROBERT CIEGENER  
(Name)

2323 SHERIDAN ST.  
(Street Address or Route Number)

OSHTOSH 54901  
(City & Zip Code)

BI RESOURCE CT.  
(Representing)

Speaking *In favor:*

Speaking *against:*

Registering *In favor:*

Registering *against:*

Speaking for *Information only:*   
Neither for nor *against:*

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 1/26/00

Bill No. AB 633

Or  
Subject: \_\_\_\_\_

Tom Barlewski  
(Name)

149 E. Wilson  
(Street Address or Route Number)

Madison, WI 53702  
(City & Zip Code)

DOC  
(Representing)

Speaking *In favor:*

Speaking *against:*

Registering *In favor:*

Registering *against:*

Speaking for *Information only:*   
Neither for nor *against:*

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

# ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS

## AGENDA

Wednesday, Jan. 26, 2000  
2 p.m. or Upon Adjournment of Session  
Room 328 NW

- I. Call to Order
- II. Roll Call
- III. Executive Session
  - A. **AB 603** (*Montgomery/Breske*)  
Relating to: prisoner reimbursement to county for booking costs.
- IV. Public Hearing
  - A. **AB 633** (*Urban/George*)  
Relating to: the involuntary commitment of prisoners for mental health treatment.
- V. Announcements
  - A. Next meeting – Feb. 23?
- VI. Adjournment

# ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS

## AGENDA

Wednesday, Feb. 9, 2000

8:30 a.m.

Room 415 NW

- I. Call to Order
- II. Roll Call
- III. Executive Session
  - A. **AB 633 (*Urban/George*)**  
Relating to: the involuntary commitment of prisoners for mental health treatment.
- IV. Public Hearing
  - A. **AB 722 (*Walker/George*)**  
Relating to: probation, parole and extended supervision agent positions, purchase of services for persons on probation and parole and making an appropriation.
- V. Announcements
  - A. Next meeting – Feb. 23?
- VI. Adjournment

<b>1999 Session</b>		LRB Number <b>-2871/1</b>
<b>FISCAL ESTIMATE</b> DOA-2048 N(R06/99)	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	Bill Number <b>AB 633</b>
<b>Subject</b>  <b>Involuntary Commitment of Prisoners for Mental Health Treatment</b>		Amendment No. if Applicable  Administrative Rule Number
<b>Fiscal Effect</b> State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs
Local: <input type="checkbox"/> No local government costs		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
<b>Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		<b>Affected Chapter 20 Appropriations</b>
<b>Assumptions Used in Arriving at Fiscal Estimate</b>  <p>Present law provides a procedure for the involuntarily commitment of a person to a mental health treatment facility. If committed, the person's initial treatment period may not exceed 6 months. An inmate in a jail or prison may be subject to this procedure as well as an alternate procedure. The alternate procedure, if the allegations are found to be true, has a treatment order which may not exceed 180 days in any 365 day period. This bill extends the initial treatment time of the alternate procedure to a period not to exceed 1 year.</p> <p>It is not known how often such petitions are sought for inmates but no significant impact upon trial court operations is expected.</p>		
<b>Long-Range Fiscal Implications</b>		
<b>Prepared by:</b> <b>Sheryl Gervasi</b>	<b>Telephone No.</b> <b>608-266-6984</b>	<b>Agency</b> <b>Director of State Courts</b>
<b>Authorized Signature:</b> <i>Sheryl Gervasi</i>	<b>Telephone No.</b>	<b>Date</b> <b>1/20/00</b>

FISCAL ESTIMATE FORM

1999 Session

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB # - 287-1/1

INTRODUCTION # AB 633

Admin. Rule #

Subject

Involuntary Commitment of Prisoners for Mental Health Treatment

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

Increase Existing Appropriation  
 Decrease Existing Appropriation  
 Create New Appropriation

Increase Existing Revenues  
 Decrease Existing Revenues

Decrease Costs

Local:  No local government costs

1.  Increase Costs  
 Permissive  Mandatory  
2.  Decrease Costs  
 Permissive  Mandatory

3.  Increase Revenues  
 Permissive  Mandatory  
4.  Decrease Revenues  
 Permissive  Mandatory

5. Types of Local Governmental Units Affected:

Towns  Villages  Cities  
 Counties  Others \_\_\_\_\_  
 School Districts  WTCS Districts

Fund Sources Affected

GPR  FED  PRO  PRS  SEG  SEG-S

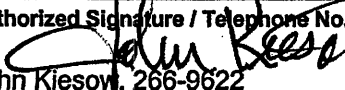
Affected Ch. 20 Appropriations


Assumptions Used in Arriving at Fiscal Estimate:

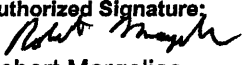
This bill extends the time period for which an inmate of a state prison may be committed based on an alternative petition for involuntary commitment. This bill will have no fiscal effect on the Department.

Long-Range Fiscal Implications:

Prepared By: / Phone # / Agency Name  
Ellen Hadidian/266-8155  
DHFS/OSF

Authorized Signature / Telephone No.  
  
John Kiesov, 266-9622

Date  
  
Jan. 13, 2000

<b>1999 Session</b>		LRB Number-2871/1
<b>FISCAL ESTIMATE</b> DOA-2048 N(R06/99)		<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL
<b>Subject</b> Relating to: the involuntary commitment of prisoners for mental health treatment		Bill Number <b>AB0633</b>
		Amendment No. If Applicable  Administrative Rule Number
<b>Fiscal Effect</b> State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs
Local: <input type="checkbox"/> No local government costs		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<b>Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		<b>Affected Chapter 20 Appropriations</b>
<b>Assumptions Used in Arriving at Fiscal Estimate</b>  Current law provides a procedure for the Department to involuntarily commit inmates to a mental health facility for mental health treatment under certain conditions. The total period of time the inmate may be committed may not exceed 180 days in any 365 day period.  This bill extends the time of the order of commitment for a state prison inmate from 180 days to a period not to exceed one year.  There could be some savings in legal services time to prepare documents for extending commitment orders. However, the total number of inmates that the Department directly seeks commitment orders for is only about a dozen per year, so that the time saved would not be a significant reduction in workload for the Department.  As far as can be determined, this bill will have no fiscal impact on the Department.		
<b>Long-Range Fiscal Implications</b>		
<b>Prepared by:</b> Barbara Carlson	<b>Telephone No.</b> 266-9340	<b>Agency</b> Corrections
<b>Authorized Signature:</b>  Robert Margolies	<b>Telephone No.</b> 266-2931	<b>Date</b> January 13, 1999

LRB or Bill No./Adm. Rule No.  
LRB 99-2871/1  
AB 633

Amendment No. if Applicable

ORIGINAL  UPDATED

**FISCAL ESTIMATE**

DOA-2048 N(R10/96)

CORRECTED  SUPPLEMENTAL

**Subject**  
Involuntary commitment of prisoners for mental health treatment

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation  
or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb  
Within Agency's Budget  Yes  No

- Increase Existing Appropriation  Increase Existing Revenues
- Decrease Existing Appropriation  Decrease Existing Revenues
- Create New Appropriation

Decrease Costs

Local:  No local government costs

- 1.  Increase Costs
  - Permissive  Mandatory
- 2.  Decrease Costs
  - Permissive  Mandatory

- 3.  Increase Revenues
  - Permissive  Mandatory
- 4.  Decrease Revenues
  - Permissive  Mandatory

5. Types of Local Governmental Units Affected:
- Towns  Villages  Cities
  - Counties  Others \_\_\_\_\_
  - School Districts  WTCS Districts

**Fund Sources Affected**  
 GPR  FED  PRO  PRS  SEG  SEG-S

**Affected Ch. 20 Appropriations**

**Assumptions Used in Arriving at Fiscal Estimate**

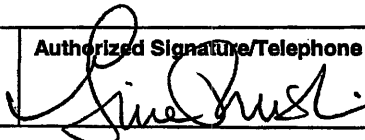
This bill extends from 180 days to one year the time period for which an inmate of a state prison may be committed based on the "alternative" procedure by which an inmate may be committed for mental health treatment. Enactment of this bill should not have any fiscal effect on the State Public Defender's Office.

**Long-Range Fiscal Implications**

None anticipated.

Agency/Prepared by: (Name & Phone No.)  
Public Defender's Office/Gina Pruski/6-6782

Authorized Signature/Telephone No.



Date  
January 24, 2000



# Vote Record

## Assembly Committee on Corrections and the Courts

Date: 2/9/00  
 Moved by: Goetsch  
 AB: 633 SB: \_\_\_\_\_  
 AJR: \_\_\_\_\_ SJR: \_\_\_\_\_  
 A: \_\_\_\_\_ SR: \_\_\_\_\_  
 Seconded by: Staskunas  
 Clearinghouse Rule: \_\_\_\_\_  
 Appointment: \_\_\_\_\_  
 Other: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- Passage
  - Introduction
  - Adoption
  - Rejection
  - Indefinite Postponement
  - Tabling
  - Concurrence
  - Nonconcurrence
  - Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>12</u>	<u>0</u>	<u>0</u>	<u>0</u>

Motion Carried

Motion Failed

## Assembly Bill 633

Committee on Corrections and the Courts  
January 26, 2000

### Testimony in Favor of Assembly Bill 633

Good afternoon. My name is Laura Flood, deputy administrator of the Division of Care and Treatment Facilities in the Department of Health and Family Services. With me today are Dr. Thomas Michlowski, Wisconsin Resource Center's Medical Director, Robert Wegener, Wisconsin Resource Center's Director of Nursing and Paul Harris, from our Office of Legal Counsel.

Mentally ill inmates at the Wisconsin Resource Center take medication for their mental illness under three different circumstances:

1. Voluntarily – which is the situation in the vast majority of cases
2. Involuntary commitment for treatment under 51.20(1)(a) – commonly referred to as the dangerousness standard
3. Involuntary committed under 51.20(1)(ar) which is the alternative standard where dangerousness to self or others does not have to be shown

Under current law, an inmate may be committed by an alternative petition under s.51.20(1)(ar). This section of the Chapter 51 statute is intended for those inmates who do not meet the civil commitment standard of dangerousness to self or others but whose mental illness is in need of treatment. The current statute permits qualified inmates to be committed for treatment for no more than 180 days out of each calendar year. Assembly Bill 633 extends the time period to one year for which an inmate may be committed when it is determined there is a continuing need for treatment. The Wisconsin Resource Center (WRC) utilizes the alternative petition allowed by the statute for a very small number of their mentally ill inmates.

The Wisconsin Resource Center is a medium security prison administered by the Department of Health and Family Services. It was created by the Legislature in 1983 to serve mentally ill inmates transferred from DOC institutions for care and treatment at the WRC. Once an inmate has been successfully treated by the WRC, he is returned to a DOC institution.

WRC currently has 225 inmates. Approximately seventy percent of WRC's inmate population take medication for their mental illness, the majority of them on a voluntarily basis. At present, twenty-five inmates have been civilly committed to WRC under s.51.20, 23 of which are committed under s.51.20(1)(a) and two committed under s.51.20(1)(ar). From January 1999 through December 1999, a total of 33 inmates were committed under s.51.20 to the WRC for treatment of their mental illness and only three of those were committed under s.51.20(1)(ar).

While those inmates who are civilly committed under s.51.20(1)(a) may be treated on an uninterrupted basis if they continue to meet the statutory definition for civil commitment, those committed under the alternative petition must have their treatment discontinued after six months. Treatment may not be initiated again until the following year, regardless of their continuing need.

During that period when they cannot be treated, they typically become psychotic and their level of cognitive functioning declines. Their psychosis is exhibited by disruptive behavior that makes it impossible to allow them out of their cells and at the same time maintain a therapeutic environment for the other inmates on the treatment unit. Discontinuing psychotropic medication periodically can have long term adverse effects. Continuous treatment slows or prevents the individual from regressing to a lower functioning state.

AB633 will help prevent this very small population of inmates in need of treatment from regressing further and becoming even more mentally ill. It will allow those individuals who do not meet the dangerousness standard prescribed by Chapter 51, but nevertheless are in need of treatment, to be cared for appropriately. It will break the continual cycle of treatment, psychosis and deterioration. It may shorten their length of stay at the Resource Center, thus making room for other DOC mentally ill inmates to be treated. The Department urges passage of this bill.

4,097 inmates take psychotropic drugs

Testimony of Ted Garlewski, Ph.D.  
Psychological Services Coordinator  
Department of Corrections  
Assembly Bill 633  
Assembly Committee on Corrections and the Courts  
January 26, 2000

The Department of Corrections is in full support of Assembly Bill 633. Extending the involuntary civil commitment period for inmates from the current 180-day time limit (within 365 days) to one year will be of benefit to all involved in the process.

It will benefit the inmate, first and foremost, as it will allow sufficient time to make a diagnosis and determine the appropriate course of treatment. These initial steps may alone account for a six month period. The mentally ill inmate will also benefit from the continuity of care that would be possible. This means that once treatment is initiated, it would continue without interruption by some artificial time limit and the individual can receive the full benefit of that treatment.

Continuous treatment is also more humane since 1) repeatedly relapsing into a state of mental instability may be terrifying to the person and could instill a sense of hopelessness and 2) it may give the inmate the opportunity to experience a stable, realistic way of relating to others and the environment as well as facilitate reintegration into society. This would eliminate the current cycle of partial treatment and relapse, which is inherently counterproductive to the stated goals and may hinder treatment recovery in the future.

Assembly Bill 633 would additionally be of benefit to staff of the Department of Corrections. It takes quite a bit of effort on the part of medical, clinical and corrections staff to manage a seriously mentally ill inmate who refuses to participate in necessary treatment. To go through the process of transferring the inmate, obtaining the required court order, initiating treatment, observing some progress and then having treatment terminated prematurely can be very discouraging.

Thank you for allowing me to testify and I would be happy to answer any questions.

inocent by reason of insanity  
sent to Mendota  
or Wm. Meyer - Mental Health Inst.  
(this bill not applicable)

usually come from max security

most inmates at WRC

✓ - voluntarily take medications

others committed involuntary

- dangerousness standard

or

- alternative petition

+ inmates who do not meet

dangerousness standard but

need mental health treatment

225 inmates currently

ave. length  
of stay - 7 to 8 months  
almost half time or less

+ majority voluntary

cost:

\$200-220/day  
per diem

25 civilly committed \$1.20

+ 3 under (ar) → psychotic

(must have treatment disrupted  
after 6 months unless voluntary)