

2001 DRAFTING REQUEST

Bill

Received: 07/31/2001

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Scott Suder (608) 267-0280

By/Representing: Anne Thompson

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - procedure  
Mental Health - miscellaneous  
Criminal Law - sentencing

Extra Copies: MGD

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Plea and verdict of guilty but mentally ill in certain criminal cases

Instructions:

Same as provision in budget

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>
/1	rryan 08/28/2001	csicilia 09/24/2001	pgreensl 09/24/2001	_____	lrb_docadmin 09/24/2001	lrb_docadminS&L 09/25/2001	

FE Sent For:

<END>

→ At Intro.

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1?	rryan	1 js 9/24 01	9/24 Pg	9/24 Pg 1/20			

FE Sent For:

<END>

In 8/28/01

By Wed. 9/26/01

2001 BILL

cjs

Gen Cat

1 AN ACT...; relating to: creating a plea and verdict of guilty but mentally ill in  
2 certain criminal cases.

Analysis by the Legislative Reference Bureau

Insert Analysis →

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

Insert Text →



# 1999 ASSEMBLY BILL 516

October 5, 1999 - Introduced by Representatives SUDER, OWENS, WALKER, AINSWORTH, BRANDEMUEHL, FREESE, GUNDRUM, HAHN, HANDRICK, HUEBSCH, KELSO, KREIBICH, LADWIG, MUSSEY, OLSEN, PETROWSKI, PETTIS and SYKORA, cosponsored by Senators WELCH, FITZGERALD, HUELSMAN and ROESSLER. Referred to Committee on Judiciary and Personal Privacy.

1 AN ACT to renumber 971.15 (1) and 971.15 (2); to amend 302.06, 938.30 (5) (c)  
2 (intro.), 971.16 (3) (intro.), 973.08 (1), 973.09 (2) (a) 1. and 973.09 (2) (b) 1.; and  
3 to create 51.20 (19) (am), 51.37 (8m), 302.11 (6m), 302.113 (7m), 302.114 (5)  
4 (dm), 971.06 (1) (am), 971.15 (1g) (b), 971.15 (2m), 971.163, 971.165 (2g);  
5 971.165 (3) (am), 973.017, 973.09 (2) (c) and 973.09 (6) of the statutes; relating  
6 to: creating a plea and verdict of guilty but mentally ill in certain criminal cases

Analysis Insert:  
Current law

*Analysis by the Legislative Reference Bureau*

the Under current law, a person is not responsible for criminal conduct if at the time of such conduct the person was suffering from a mental disease or defect that resulted in the person lacking substantial capacity either to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law. To raise this defense, a person who is charged with a crime pleads not guilty by reason of mental disease or defect. After a person pleads not guilty by reason of mental disease or defect, the court appoints at least one physician or psychologist to examine the person and to testify at trial concerning the person's ability to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law at the time that the person committed the criminal offense charged. The person may also be examined by a physician, psychologist, or other expert of his or her choice.

**ASSEMBLY BILL 516**

combined term of confinement and extended supervision

At a trial for a person who has pleaded not guilty by reason of mental disease or defect, the judge or jury first determines whether the person is guilty of the offense charged. If the judge or jury finds the person guilty, the judge or jury then determines whether the person is not responsible for his or her criminal conduct due to mental disease or defect. If the judge or jury finds the person not responsible for his or her criminal conduct due to mental disease or defect, the person is not guilty by reason of mental disease or defect and is committed for treatment to the department of health and family services for a period of time not exceeding two-thirds of the maximum term of imprisonment that could be imposed for the crime charged. If the judge or jury finds the person responsible for his or her criminal conduct, the person is convicted of the offense and is sentenced for the offense by the judge.

Also, under current law, any person who has been convicted and sentenced to <sup>confinement</sup> imprisonment in a prison or jail may be involuntarily committed for treatment in a state treatment facility if he or she is mentally ill, drug dependent, or developmentally disabled, is a proper subject for treatment, and is in need of treatment that is not available at the prison or jail. Alternatively, the person may be involuntarily committed if he or she is mentally ill, drug dependent, or developmentally disabled, is a proper subject for treatment, and, based on certain specified standards, is dangerous because he or she may harm himself, herself, or others. To involuntarily commit for treatment a person who has been convicted and sentenced to ~~imprisonment~~, a petition must be filed alleging that the person meets the criteria for involuntary commitment and, after an examination of the person, a hearing must be held before a judge or jury to determine whether the person meets the criteria for involuntary commitment.

confinement

**What this bill does**

This bill provides for a plea and verdict of guilty but mentally ill for persons charged with a homicide offense. Under the bill, a person charged with a homicide offense who pleads not guilty by reason of mental disease or defect may be found guilty but mentally ill after a trial if, after determining that the person is guilty of the homicide offense charged, a judge or jury determines that the person suffered from a mental illness at the time of his or her criminal conduct but the mental illness did not result in the person lacking substantial capacity either to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law.

The bill also provides that a person charged with a homicide offense who pleads not guilty by reason of mental disease or defect may change his or her plea to guilty but mentally ill after being examined by a physician or psychologist as provided under current law. The district attorney must consent to the person changing his or her plea, and the judge must find, after reviewing the examinations of the person and holding a hearing, that the person suffered from a mental illness at the time of his or her criminal conduct.

Under the bill, a person charged with a homicide offense who is found guilty but mentally ill is convicted of the offense and is sentenced for the offense by the judge. If a judge sentences a person who has been found guilty but mentally ill to the custody of the department of corrections (DOC) by sentencing the person to prison or by

**ASSEMBLY BILL 516**

*confined in jail or prison*

placing the person on probation, the court must also order DOC to evaluate the person for treatment and provide or arrange for the provision of any necessary treatment. The person may be required to receive treatment as a condition of probation ~~or~~ or extended supervision. Finally, a person found guilty but mentally ill and ~~imprisoned~~ *confined in jail or prison* may also be committed to a state facility for treatment in the same manner as provided under current law for a person who has been convicted and sentenced to ~~imprisonment~~ *confinement in jail or prison*.

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

**END INSERT**

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

**SECTION 1.** 51.20 (19) (am) of the statutes is created to read:

51.20 (19) (am) If an individual was found guilty but mentally ill under s. 971.163 or 971.165 and was subsequently involuntarily committed under this section, the department of health and family services or the county department under s. 51.42 or 51.437, whichever is applicable, shall, upon the individual's discharge, prepare a report for the department of corrections that contains all of the following:

1. The individual's diagnosis.
2. A description of the individual's behavior before and while he or she was in the treatment facility.
3. The course of treatment of the individual while he or she was in the treatment facility.
4. The prognosis for the remission of symptoms and the potential for recidivism and for presenting a danger to himself or herself or others.
5. Recommendations for future treatment.

**SECTION 2.** 51.37 (8m) of the statutes is created to read:

ARC:.....Raschka - AM1, Guilty but mentally ill plea

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

LPS: Thaw all bill section nos.

Text Insert:

1 ~~At the locations indicated, amend the substitute amendment as follows:~~

2 ~~1. Page 656, line 10: after that line insert:~~

3 ~~SECTION 19.63.~~ <sup>#</sup> 51.20 (19) <sup>\*</sup> (am) of the statutes is created to read:

4 51.20 (19) (am) If an individual was found guilty but mentally ill under s.  
5 971.163 or 971.165 and was subsequently involuntarily committed under this  
6 section, the department of health and family services or the county department  
7 under s. 51.42 or 51.437, whichever is applicable, shall, upon the individual's  
8 discharge, prepare a report for the department of corrections that contains all of the  
9 following:

10 1. The individual's diagnosis.



1           2. A description of the individual's behavior before and while he or she was in  
2 the treatment facility.

3           3. The course of treatment of the individual while he or she was in the  
4 treatment facility.

5           4. The prognosis for the remission of symptoms and the potential for recidivism  
6 and for presenting a danger to himself or herself or others.

7           5. Recommendations for future treatment.

8           SECTION ~~1967r~~<sup>#A</sup> 51.37 (8m) of the statutes is created to read: ✓

9           51.37 (8m) If an individual was found guilty but mentally ill under s. 971.163  
10 or 971.165 and was subsequently transferred to or detained in a state treatment  
11 facility under sub. (5), the department of health and family services shall, upon the  
12 individual's discharge, prepare a report for the department of corrections that  
13 contains all of the following:

14           (a) The individual's diagnosis.

15           (b) A description of the individual's behavior before and while he or she was in  
16 the treatment facility.

17           (c) The course of treatment of the individual while he or she was in the  
18 treatment facility.

19           (d) The prognosis for the remission of symptoms and the potential for  
20 recidivism and for presenting a danger to himself or herself or others.

21           (e) Recommendations for future treatment. ✓

22           2. Page 1077, line 16: after that line insert:

23           SECTION ~~5357c~~<sup>#</sup> 302.06 of the statutes is amended to read: X

1           **302.06 Delivery of persons to prisons.** The sheriff shall deliver to the  
 2 reception center designated by the department every person convicted in the county  
 3 and sentenced to the Wisconsin state prisons or to the intensive sanctions program  
 4 as soon as ~~may be~~ possible after sentence, together with a copy of the judgment of  
 5 conviction and, if applicable, a copy of any report specified in s. 973.017 (4). The  
 6 warden or superintendent shall deliver to the sheriff a receipt acknowledging receipt  
 7 of the person, naming the person, which receipt the sheriff shall file in the office of  
 8 the clerk who issued the copy of the judgment of conviction. When transporting or  
 9 delivering the person to any of the Wisconsin state prisons the sheriff shall be  
 10 accompanied by an adult of the same sex as the person. If the sheriff and the person  
 11 are of the same sex, this requirement is satisfied and a 3rd person is not required.

12           ~~3.~~ Page 1080, line 19: after that line insert:

13           ~~SECTION 3367r.~~ ~~302.113~~ <sup>#</sup> 302.113 (7m) of the statutes is created to read:

14           302.113 (7m) An inmate who was found guilty but mentally ill under s. 971.163  
 15 or 971.165 and who is released on extended supervision under this section is required  
 16 as a condition of his or her extended supervision to participate in any necessary and  
 17 appropriate treatment that is recommended by the department of corrections or by  
 18 the department of health and family services. In determining what treatment, if any,  
 19 to recommend as a condition of the inmate's extended supervision, the department  
 20 of corrections shall consider any reports prepared by the department of health and  
 21 family services under s. 51.20 (19) (am) or 51.37 (8m).

22           ~~4.~~ Page 1083, line 21: after that line insert:

23           ~~SECTION 3377d.~~ ~~302.114~~ <sup>#</sup> 302.114 (5) (dm) of the statutes is created to read:

1           302.114 (5) (dm) If the court grants the petition for release to extended  
 2 supervision of an inmate who was found guilty but mentally ill under s. 971.163 or  
 3 971.165, the court shall require the inmate as a condition of his or her extended  
 4 supervision to participate in any necessary and appropriate treatment that is  
 5 recommended by the department of corrections or by the department of health and  
 6 family services. In determining what treatment, if any, to recommend as a condition  
 7 of the inmate's extended supervision, the department of corrections shall consider  
 8 any reports prepared by the department of health and family services under s. 51.20  
 9 (19) (am) or 51.37 (8m)."

10 ~~5. Page 1228, line 4: after that line insert:~~

11 ~~SECTION 3889r.~~ 938.30 (5) (c) (intro.) of the statutes is amended to read:

12           938.30 (5) (c) (intro.) If the court finds that the juvenile was not responsible by  
 13 reason of mental disease or defect, as described under s. 971.15 (1) and (2) (1g) (a)  
 14 and (1r), the court shall dismiss the petition with prejudice and shall also do one of  
 15 the following:"

16 ~~6. Page 1256, line 4: after that line insert:~~

17 ~~SECTION 3998r.~~ 971.06 (1) (am) of the statutes is created to read:

18           971.06 (1) (am) Guilty but mentally ill, if the defendant is charged with a crime  
 19 under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, or 940.10."

20 ~~7. Page 1256, line 13: after that line insert:~~

21 ~~SECTION 3999k.~~ 971.15 (1) of the statutes is renumbered 971.15 (1r).

22 ~~SECTION 3999lA~~ 971.15 (1g) (b) of the statutes is created to read:

1           971.15 (1g) (b) In this section and ss. 971.16 to 971.165, "mental illness" means  
 2 a substantial disorder of thought, mood or behavior that afflicted a person at the time  
 3 that he or she engaged in criminal conduct and that impairs a person's judgment.

4           SECTION ~~9999a~~. 971.15 (2) of the statutes is renumbered 971.15 (1g) (a).

5           SECTION ~~9999a~~. 971.15 (2m) of the statutes is created to read:

6           971.15 (2m) A person charged with a crime under s. 940.01, 940.02, 940.03,  
 7 940.05, 940.06, 940.07, 940.08, 940.09 or 940.10 may be found guilty but mentally  
 8 ill if, at the time the person engaged in criminal conduct, he or she was suffering from  
 9 a mental illness but did not lack substantial capacity either to appreciate the  
 10 wrongfulness of his or her conduct or to conform his or her conduct to the  
 11 requirements of law as a result of mental disease or defect. A person who is found  
 12 guilty but mentally ill is not relieved of criminal responsibility.

13           SECTION ~~9999a~~. 971.16 (3) (intro.) of the statutes is amended to read:

14           971.16 (3) (intro.) Not less than 10 days before trial, or at any other time that  
 15 the court directs, any physician or psychologist appointed under sub. (2) shall file a  
 16 report of his or her examination of the defendant with the judge, who shall cause  
 17 copies to be transmitted to the district attorney and to counsel for the defendant. The  
 18 Except as provided in ss. 971.163 (2) (a) and (3) and 973.017 (4), the contents of the  
 19 report shall be confidential until the physician or psychologist has testified or at the  
 20 completion of the trial. The report shall contain an opinion regarding the ability of  
 21 the defendant to appreciate the wrongfulness of the defendant's conduct or to  
 22 conform the defendant's conduct with the requirements of law at the time of the  
 23 commission of the criminal offense charged and, if sufficient information is available  
 24 to the physician or psychologist to reach an opinion, his or her opinion on whether  
 25 the defendant needs medication or treatment and whether the defendant is not

1 competent to refuse medication or treatment. The defendant is not competent to  
2 refuse medication or treatment if, because of mental illness, developmental  
3 disability, alcoholism or drug dependence, and after the advantages and  
4 disadvantages of and alternatives to accepting the particular medication or  
5 treatment have been explained to the defendant, one of the following is true:

6

SECTION ~~9999~~ <sup>X</sup> 971.163 of the statutes is created to read:

7 **971.163 Entry of plea of guilty but mentally ill.** (1) If a defendant charged  
8 with a crime under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09,  
9 or 940.10 has entered a plea of not guilty by reason of mental disease or defect and  
10 has been examined under s. 971.16, the defendant may waive his or her right to a  
11 trial under s. 971.165 and, with the approval of the district attorney, withdraw the  
12 plea of not guilty by reason of mental disease or defect and, instead of a plea of guilty  
13 or no contest, enter a plea of guilty but mentally ill.

14 (2) The court may accept a plea of guilty but mentally ill under sub. (1) only  
15 if all of the following apply:

16 (a) The court, with the defendant's consent, has reviewed the reports of all the  
17 examinations conducted under s. 971.16.

18 (b) The court holds a hearing on the issue of the defendant's mental illness and  
19 allows the parties to present evidence at the hearing.

20 (c) Based on the review of reports under par. (a) and any evidence or arguments  
21 presented at the hearing held under par. (b), the court is satisfied that the defendant  
22 was mentally ill at the time that he or she committed the criminal offense charged.

23 (d) The defendant states that he or she is willing to participate in appropriate  
24 mental health treatment that is recommended by a physician, psychologist, or mental  
25 health worker who is responsible for his or her mental health care and treatment.

at the time the defendant committed the criminal offense charged

whether had a

1 (3) If the court reviews a report under sub. (2) (a), the court shall make the  
2 report a part of the record of the case.

3 SECTION ~~39994~~ 971.165 (2g) of the statutes is created to read:

4 971.165 (2g) If a defendant charged with a crime under s. 940.01, 940.02,  
5 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, or 940.10 has entered a plea of not  
6 guilty by reason of mental disease or defect and the defendant's plea is tried to a jury,  
7 the court shall, in addition to providing to the jury the information required under  
8 sub. (2), inform the jury of all of the following:

9 (a) That the jury may find the defendant guilty but mentally ill if all of the  
10 following apply:

11 1. The jury finds beyond a reasonable doubt that the defendant did not lack  
12 substantial capacity either to appreciate the wrongfulness of his or her conduct or  
13 to conform his or her conduct to the requirements of law as a result of mental disease  
14 or defect.

15 2. The jury finds to a reasonable certainty by the greater weight of the credible  
16 evidence that the defendant was mentally ill at the time that he or she committed  
17 the offense.

18 (b) That, if the jury finds the defendant guilty but mentally ill, the defendant  
19 will receive a criminal sentence or probation and may be required to receive  
20 treatment for his or her mental illness.

21 SECTION ~~39994~~ 971.165 (3) (am) of the statutes is created to read:

22 971.165 (3) (am) If a defendant charged with a crime under s. 940.01, 940.02,  
23 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, or 940.10 is found guilty but mentally  
24 ill, the court shall enter a judgment of conviction and shall either impose or withhold  
25 sentence under s. 973.017.

① ~~8.~~ Page 1261, line 2: after that line insert:

② ~~SECTION 401.4g,~~ 973.017 of the statutes is created to read:

3           **973.017 Sentence of person found guilty but mentally ill.** (1) If a  
4 defendant is found guilty but mentally ill under s. 971.163 or 971.165, the court, by  
5 order, may impose sentence under this chapter, withhold sentence, or impose  
6 sentence under s. 973.15 and stay its execution. Except as provided in s. 973.09 (1)  
7 (c) or if probation is prohibited for a particular offense by statute, the court may place  
8 the person on probation under s. 973.09 if the court withholds sentence or imposes  
9 sentence and stays its execution for an offense.

10           (2) If the court places a defendant who is found guilty but mentally ill on  
11 probation or sentences a defendant who is found guilty but mentally ill to the  
12 Wisconsin state prisons, the court shall do all of the following:

13           (a) Order the department, or a person designated by the department, to  
14 evaluate the defendant to determine the defendant's treatment needs.

15           (b) Order the department to provide or arrange for the provision of necessary  
16 and appropriate treatment for the defendant's mental illness.

17           (3) If a defendant who is found guilty but mentally ill is serving a sentence of  
18 imprisonment or is confined as a condition of probation, he or she may be transferred  
19 or committed for treatment to the department of health and family services under  
20 s. 51.20 ~~(1) (a), (ar) or (av)~~ or 51.37 (5). Any time spent by the defendant in a state  
21 treatment facility due to a transfer or commitment under s. 51.20 ~~(1) (a), (ar) or (av)~~  
22 or 51.37 (5) shall be included as part of the individual's sentence.

23           (4) If a defendant who is found guilty but mentally ill is sentenced to the  
24 Wisconsin state prisons, the clerk of court shall attach all of the following to the

1 judgment of conviction that is delivered with the defendant under s. 302.06 to the  
2 reception center designated by the department:

3 (a) A copy of any report of an examination conducted under s. 971.16<sup>✓</sup>.

4 (b) A copy of any report other than a report specified in par. (a)<sup>✓</sup> that was  
5 admitted into evidence at a hearing under s. 971.163 (2) (b)<sup>✓</sup>.

6 (c) A copy of any report other than a report specified in par. (a)<sup>✓</sup> that was  
7 admitted into evidence at a trial under s. 971.165.<sup>✓</sup>

8 ~~9. Page 1265, line 11: after that line insert:~~

9 ~~SECTION 4018n~~ 973.08 (1) of the statutes is amended to read:

10 973.08 (1) When any defendant is sentenced to the state prisons, a copy of the  
11 judgment of conviction ~~and~~, a copy of any order for restitution under s. 973.20 and,  
12 if applicable, a copy of any report specified in s. 973.017 (4) shall be delivered by the  
13 officer executing the judgment to the warden or superintendent of the institution  
14 when the prisoner is delivered.<sup>✓</sup>

15 ~~10. Page 1266, line 23: delete the material beginning with that line and~~  
16 ~~ending with page 1267, line 2, and substitute:~~

17 ~~SECTION 4024n~~ 973.09 (2) (b) 1. of the statutes is amended to read:

18 973.09 (2) (b) 1. Except as provided in ~~subd.~~ subds. 1m. and 2., for felonies, not  
19 less than one year nor more than either the statutory maximum term of  
20 imprisonment for the crime or 3 years, whichever is greater.

21 ~~SECTION 4025n. 973.09 (2) (b) 1. of the statutes, as affected by 2001 Wisconsin~~  
22 ~~Act... (this act) is amended to read:~~

23 973.09 (2) (b) 1. Except as provided in ~~subds.~~ subd. 1m. and subject to subd. 2.,  
24 the original term of probation for felonies, and bifurcated sentence misdemeanors



1 ~~shall be not less than one year nor more than either the statutory maximum term~~  
2 ~~of imprisonment confinement in prison for the crime or 5 years, whichever is greater.~~

3 SECTION ~~4025~~<sup>#</sup> 973.09 (2) (b) 1m. of the statutes is created to read:

4 973.09 (2) (b) 1m. If the probationer was found guilty but mentally ill under  
5 s. 971.163 or 971.165, not less than 5 years.

6 ~~11. Page 1268, line 16: after that line insert:~~

7 SECTION ~~4026~~<sup>#</sup> 973.09 (6) of the statutes is created to read:

8 973.09 (6) (a) If a defendant who is found guilty but mentally ill under s.  
9 971.163 or 971.165 is placed on probation, the court shall do all of the following:

10 1. Order the department, or a person designated by the department, to evaluate  
11 the defendant to determine the defendant's treatment needs.

12 2. Order that the department provide or arrange for the provision of necessary  
13 and appropriate treatment that is recommended as a result of the evaluation under  
14 subd. 1.

15 3. Order as a condition of probation that the defendant undergo the evaluation  
16 required under subd. 1. and that he or she receive the necessary and appropriate  
17 mental health treatment that is recommended as a result of that evaluation.

18 (b) Treatment required under par. (a) as a condition of probation may be  
19 provided by any state or local agency or, if approved by the department, by a private  
20 physician, psychologist, mental health worker or mental health agency.

21 (c) If a defendant is required to receive treatment under par. (a), the person  
22 treating the defendant shall, once every 90 days, file with the court and the  
23 department a written report concerning the defendant's condition and treatment.

1 (d) A defendant placed on probation after being found guilty but mentally ill  
2 under s. 971.163 or 971.165 may be committed for treatment to the department of  
3 health and family services under s. 51.20 (1) (a)."

4 ~~12.~~ Page 1415, line 6: after "(b) (title), 1." insert "(by SECTION 4025n)"

5 ~~13.~~ Page 1416, line 16: after that line insert:

6 → ~~¶~~ SECTION #. Initial applicability.

6 ~~¶~~ ~~(A) GUILTY BUT MENTALLY ILL PLEA.~~ The treatment of sections 51.20 (19) (am),  
7 51.37 (8m), 302.06, 302.113 (7m), 302.114 (5) (dm), 971.06 (1) (am), 971.15 (1g) (b)  
8 and (2m), 971.16 (3) (intro.), 971.163, 971.165 (2g) and (3) (am), 973.017, 973.08 (1),  
9 973.09 (2) (b) 1. ~~(by SECTION 4024n)~~ and 1m., and 973.09 (6) of the statutes first  
10 applies to offenses committed on the effective date of this subsection."

11 ~~14.~~ Page 1428, line 12: after "(b) (title), 1." insert "(by SECTION 4025n)"

12 ~~(END)~~

END Insert



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

September 24, 2001

### MEMORANDUM

To: Representative Suder

From: Robin L. Ryan, Legislative Attorney

Re: LRB-3550/1 Plea and verdict of guilty but mentally ill in certain criminal cases

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6927 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266 3561 if you have any questions regarding this memorandum.