

2001 ASSEMBLY BILL 578

October 17, 2001 – Introduced by Representatives LEIBHAM, KESTELL, MUSSER, STARZYK, LADWIG, SERATTI, GUNDERSON, TOWNSEND, HAHN, SYKORA, OWENS, D. MEYER, LIPPERT, OTT, PETROWSKI and KRAWCZYK, cosponsored by Senators SCHULTZ, ROESSLER, HUELSMAN, MOEN, DARLING, ROSENZWEIG and BAUMGART. Referred to Committee on Judiciary.

1 **AN ACT** *to amend* 971.14 (4) (a) of the statutes; **relating to:** access for sheriffs
2 and jailers to reports regarding the competency of criminal defendants.

Analysis by the Legislative Reference Bureau

Under current law, a person may not be tried, convicted, or sentenced for the commission of a crime if the person lacks substantial mental capacity to understand the proceedings or assist in his or her own defense. If a court has reason to doubt a defendant's competency, the court appoints an expert to examine and report on the defendant's condition. Upon receiving a copy of the expert's report, the court distributes copies to the district attorney and the defendant or his or her attorney. The report may not be otherwise disclosed prior to a hearing on the issue of the defendant's competency.

This bill directs courts to provide a copy of a competency examination report to the sheriff or jailer charged with care and control of the jail in which the defendant is being held pending or during a trial or sentencing proceeding, upon the request of the sheriff or jailer.

For further information see the ***state and local*** 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:

3 **SECTION 1.** 971.14 (4) (a) of the statutes is amended to read:

