

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0979/1dn
RLR:jld:pg

December 3, 2001

Representative Gundrum:

Under current law, the court is required to provide the defendant or his or her counsel a copy of the competency examination report when the report is filed with the court. The defendant may already provide a copy of the report to his or her own health care provider. The portion of this amendment that allows the sheriff or jailer to provide a copy of the report to the defendant's health care provider is therefore unnecessary, and could potentially be construed to allow the sheriff or jailer, without the consent of the defendant, to provide a copy of the report to a health care provider who has treated the defendant in the past. The amendment could instead be drafted so it permits sheriffs and jailers to provide a copy of the report only to the person who maintains inmate medical records or the nurse, physician, or physician assistant who is responsible for providing health care to inmates.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us