

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/21/2001

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Assembly Republican Caucus 7-4887**

By/Representing: **Hughes**

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

Drafter: **kenneda**

May Contact: **LFB**

Addl. Drafters:

LFB

LFB

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Subject: **Mental Health - miscellaneous**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

ARC:.....Hughes -

Topic:

AM22--Eliminate emergency detention under fifth standard; eliminate sunset of fifth standard for involuntary commitment

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>
/?	kenneda 06/23/2001	jdye 06/25/2001		_____			
/1			pgreensl 06/26/2001	_____	lrb_docadmin 06/26/2001		

FE Sent For:

<END>

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1?	kenneda	1 6/25 jd	6/25 ps	6/26 ps	8/8/15		

FE Sent For:

<END>

Memorandum

H

To: Fred Ammerman – Fiscal Bureau
Cathlene Hanaman – Reference Bureau

CC: Heather Smith – Assembly Republican Caucus

From: Paul Tessmer – Assembly Republican Caucus

Date: 06/21/01

Re: ARC Amendments – Passed 6-20-01

Please find enclosed copies of the budget amendments passed by the Assembly Republicans in Caucus on Tuesday, June 20, 2001. The amendments are provided in the following four areas:

- The Health Care Working Group Package. Associated freestanding amendments incorporated in this package are also provided. Contact Carolyn Hughes (ARC) at 7-4887.
- The Agriculture Working Group Package. Associated freestanding amendments incorporated in this package are also provided. Contact Mark Jefferson (ARC) at 7-0900.
- The Higher Education Working Group Package. Associated freestanding amendments incorporated in this package are also provided. Contact Jim Emerson (ARC) at 7-0904.
- Other Freestanding Amendments. Contact the ARC analyst listed on the amendment at 6-1452.

NOTE: The Working Group Package document takes precedence over its associated freestanding amendments. Please call the contact person listed above (or the ARC analyst listed on the amendment) for supporting documentation.

Hard copies of the Working Group Packages are also being sent to your office. The hard copies may contain supporting documentation not included in the Word document.

I am also available to help answer questions at 4-8587.

Rhoades Request #167)

HFS 132.65(7)(b)4 states that an individual resident's supply of drugs shall be placed in a separate, individually labeled container and transferred to the nursing station and placed in a locked cabinet or cart. This supply shall not exceed 4 days for any one resident.

1. This motion creates statutory language to permit prescriptions to be delivered in quantities consisting of no more than a one-month supply at one time, and
2. This motion creates statutory language to include "punch-outs" or "punch-cards" under definition of unit dose packaging

26. Fifth Standard for Emergency Detention and Involuntary Commitment:

DAK Include Assembly Bill 182 (with LRB correction) relating to the elimination of the fifth standard for emergency detention and involuntary commitment.

27. Mental Health Treatment of Minors:

MM (Skindrud Request # 26)

This motion would permit a minor's parent or guardian to consent to have a minor treated for problems associated with drugs and alcohol without the consent of the minor.

It also allows a minor under 14 years of age to petition the juvenile court for approval of his or her admission to an inpatient facility if the minor's parent or guardian cannot be found.

This proposal builds on a change in the last state budget that permits a minor's parent or guardian to have a minor tested for drugs and alcohol.

According to LFB, this motion will affect GPR and FED; however, it cannot be estimated how much.

The changes in this motion may have the overall effect of increasing the number of minors receiving inpatient treatment for alcohol or other drug abuse. The state's MA program reimburses local providers for certain mental health services for children including treatment for alcohol and other drug abuse. To the extent it increases the number of children receiving care, this motion would increase costs to the MA program. The additional number of children receiving care is unknown and therefore the exact fiscal effect on MA cannot be estimated.

While most indigent children would be eligible to receive treatment through the state's MA program, counties may be responsible for funding treatment for children in some circumstances. Once again, the number of children is unknown and the fiscal effect cannot be estimated.

28. Require Payment by Health Insurers to Pay Anesthesiologists for all Services:

JK (Urban Request # 147)

Wisconsin anesthesiologists are currently having problems with payment for invasive monitoring procedures performed on patients covered by certain insurers. Anesthesiologists bill out their services as two distinct procedures. But because the services are part of a single procedure, certain insurers will only pay for one

2001

Date (time) needed SOON

LRB b 1409 / 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

DAK:jld:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page 656, line 10: after that line insert:

#. Page, line:

#. Page, line:

#. Page, line:


#. Page, line:

#. Page, line:

2001 ASSEMBLY BILL 182

March 8, 2001 – Introduced by Representatives RHOADES, BOCK, KESTELL, KRUG, KRAWCZYK, LIPPERT, HUEBSCH, VRAKAS, WADE, HUNDERTMARK, MUSSER, GUNDERSON, LA FAVE, POWERS, OTT, STONE, OWENS, LADWIG, HUBER, AINSWORTH, PLOUFF, MILLER, OLSEN, TURNER, URBAN, J. LEHMAN, RILEY and WASSERMAN, cosponsored by Senators GROBSCHMIDT, ROSENZWEIG, DARLING, BURKE, HARSDORF, ROESSLER, M. MEYER, HUELSMAN and SCHULTZ. Referred to Committee on Health.

1 **AN ACT to repeal** 51.15 (1) (a) 5., 51.15 (1) (c), 51.20 (1) (ad) 3., 51.20 (10) (cm)
 2 2., 51.20 (13) (g) 2d. c., 51.30 (4) (b) 14., 165.017 (1), 165.017 (3) and 165.017 (5);
 3 **to renumber and amend** 51.20 (10) (cm) 1.; **to amend** 51.15 (1) (a) (intro.),
 4 51.15 (4) (a), 51.15 (5), 51.20 (1) (a) 2. e., 51.20 (1) (ad) 1., 51.30 (3) (b), 51.30 (4)
 5 (b) 11., 51.61 (1) (g) 3m. and 165.017 (2) of the statutes; and **to affect** 1995
 6 Wisconsin Act 292, section 5, 1995 Wisconsin Act 292, section 12, 1995
 7 Wisconsin Act 292, section 14, 1995 Wisconsin Act 292, section 16, 1995
 8 Wisconsin Act 292, section 20, 1995 Wisconsin Act 292, section 22, 1995
 9 Wisconsin Act 292, section 24, 1995 Wisconsin Act 292, section 28, 1995
 10 Wisconsin Act 292, section 30, 1995 Wisconsin Act 292, section 30h, 1995
 11 Wisconsin Act 292, section 32, 1995 Wisconsin Act 292, section 37 (1), 1997
 12 Wisconsin Act 35, section 141, 1997 Wisconsin Act 35, section 144, 1997
 13 Wisconsin Act 35, section 147 and 1997 Wisconsin Act 35, section 605 (1);
 14 **relating to:** eliminating emergency detention under the fifth standard of




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1 dangerousness, eliminating termination of involuntary civil commitments
2 under the fifth standard of dangerousness, permitting only petitions approved
3 by the attorney general to be filed for involuntary civil commitment under the
4 fifth standard of dangerousness, and providing access by the corporation
5 counsel to court records and treatment records of persons receiving services for
6 mental illness, developmental disabilities, alcoholism or drug dependence.

Analysis by the Legislative Reference Bureau

Under current law, a person who is believed to be mentally ill and a proper subject for treatment and who evidences certain acts, omissions, or other behavior that indicate that he or she satisfies at least one of five standards of dangerousness may be detained on an emergency basis and transported to and detained and treated in a mental health treatment facility. A petition signed by three others may be brought against the detained person alleging that the detained person is mentally ill, is a proper subject for treatment, and is dangerous because he or she meets a standard for involuntary civil commitment. (Emergency detention is not, however, a prerequisite to bringing such a petition, it can be brought against any person.) If such a petition is filed with a court, the subject of the petition must be given a hearing to determine if there is probable cause sufficient to support the petition's allegations. If a court finds probable cause, a final hearing on commitment must be held, and if, again, the person is found to have satisfied one of the standards of dangerousness he or she may be involuntarily committed to the care and custody of a county department of community programs for appropriate treatment.

Currently, one of the five standards of dangerousness for emergency detention and involuntary civil commitment terminates on December 1, 2001. That standard, known as the "fifth standard," requires that a person, because of mental illness, either evidence the incapability of expressing an understanding of the advantages and disadvantages of and alternatives to accepting a particular medication or treatment after these have been explained to him or her, or evidence substantial incapability of applying an understanding of those advantages, disadvantages, and alternatives to his or her mental illness in order to make an informed choice as to whether to accept or refuse medication or treatment. The person must also evidence a substantial probability, as demonstrated by both his or her treatment history and recent acts or omissions, that he or she needs care or treatment to prevent further disability or deterioration. Lastly, the person must evidence a substantial probability that he or she will, if left untreated, lack services necessary for his or her health or safety and suffer mental, emotional, or physical harm that will result in either the loss of his or her ability to function independently in the community or the loss of cognitive or volitional control over his or her thoughts or actions.



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Under current law, the attorney general or his or her designee must review an emergency detention that is made under the fifth standard before the detention takes place or within 12 hours after. If the attorney general or designee disapproves or fails to act with respect to the proposed detention, it may not be carried out; if the attorney general or designee disapproves or fails to act with respect to an actual emergency detention, the detained person must be released. The attorney general or designee also must review a petition for involuntary commitment that is based on the fifth standard before the petition is filed with a court or within 12 hours after the filing. If the attorney general or designee disapproves or fails to act with respect to a proposed petition, the petition may not be filed; if the attorney general or designee disapproves or fails to act with respect to a filed petition, the subject of the petition, if he or she has been detained under the petition, must be released and the petition is void. These provisions do not apply if the attorney general or designee makes a finding that a court of competent jurisdiction in this state, in a case challenging the constitutionality of the fifth standard, has upheld the constitutionality.

Currently, the inpatient treatment of a person who is involuntarily committed under the fifth standard may not be more than 30 days, unless the person violates a condition of outpatient treatment. Medication and treatment may be administered to the person without his or her consent if a court finds probable cause to believe that the person meets the fifth standard and if the court finds at the final commitment hearing that the standard is met.

Currently, the files and records of court proceedings for involuntary commitment of individuals are closed except to the individual or to other persons with the individual's informed consent and, without the individual's consent, to the individual's attorney or guardian ad litem in order that the attorney or guardian ad litem may prepare for certain proceedings with respect to the individual. Treatment records of an individual are confidential and may be released without the informed written consent of the individual only to certain persons or under certain circumstances. An individual's counsel or guardian ad litem may have access to the treatment records, without informed consent, at any time, without limitation, in order to prepare for proceedings with respect to the individual; access by the counsel for the interest of the public without informed consent, however, is restricted to those treatment records concerning the admission, detention, or commitment of an individual who is presently admitted, detained, or committed.

This bill eliminates the fifth standard for emergency detention. The bill eliminates also the December 1, 2001, termination of the fifth standard for involuntary civil commitment of persons with mental illness.

The bill eliminates the opportunity for the filing of a petition for involuntary commitment of persons under the fifth standard of dangerousness before review and approval by the attorney general or his or her designee has been obtained; under the bill, no petition for involuntary commitment of an individual under the fifth standard of dangerousness may be filed unless the attorney general or his or her designee has reviewed and approved it.



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The bill provides access by the corporation counsel to an individual's files and records of court proceedings and to the individual's treatment records, to the same extent that the individual's attorney or guardian ad litem has the access.

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:

1 SECTION ^{1965b ✓} 1. 51.15 (1) (a) (intro.) of the statutes is amended to read:

2 51.15 (1) (a) (intro.) A law enforcement officer or other person authorized to
3 take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938
4 may take an individual into custody if the officer or person has cause to believe that
5 ~~such~~ the individual is mentally ill ~~or, except as provided in subd. 5., is drug~~
6 ~~dependent, or is~~ developmentally disabled, and that the individual evidences any of
7 the following:

8 SECTION ^{1965c ✓} 2. 51.15 (1) (a) 5. of the statutes is repealed.

9 SECTION ^{1965d} 3. 51.15 (1) (c) of the statutes is repealed.

10 SECTION ^{1965e} 4. 51.15 (4) (a) of the statutes is amended to read:

11 51.15 (4) (a) In counties having a population of 500,000 or more, the law
12 enforcement officer or other person authorized to take a child into custody under ch.
13 48 or to take a juvenile into custody under ch. 938 shall sign a statement of
14 emergency detention which shall provide detailed specific information concerning
15 the recent overt act, attempt, or threat to act or omission on which the belief under
16 sub. (1) is based and the names of the persons observing or reporting the recent overt
17 act, attempt, or threat to act or omission. The law enforcement officer or other person
18 is not required to designate in the statement whether the subject individual is
19 mentally ill, developmentally disabled, or drug dependent, but shall allege that he

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1 or she has cause to believe that the individual evidences one or more of these
2 conditions ~~if sub. (1) (a) 1., 2., 3. or 4. is believed or mental illness, if sub. (1) (a) 5.~~
3 ~~is believed.~~ The law enforcement officer or other person shall deliver, or cause to be
4 delivered, the statement to the detention facility upon the delivery of the individual
5 to it.

6 **SECTION 5.** 51.15 (5) of the statutes is amended to read:

7 51.15 (5) DETENTION PROCEDURE; OTHER COUNTIES. In counties having a
8 population of less than 500,000, the law enforcement officer or other person
9 authorized to take a child into custody under ch. 48 or to take a juvenile into custody
10 under ch. 938 shall sign a statement of emergency detention ~~which~~ that shall provide
11 detailed specific information concerning the recent overt act, attempt, or threat to
12 act or omission on which the belief under sub. (1) is based and the names of persons
13 observing or reporting the recent overt act, attempt, or threat to act or omission. The
14 law enforcement officer or other person is not required to designate in the statement
15 whether the subject individual is mentally ill, developmentally disabled, or drug
16 dependent, but shall allege that he or she has cause to believe that the individual
17 evidences one or more of these conditions ~~if sub. (1) (a) 1., 2., 3. or 4. is believed or~~
18 ~~mental illness, if sub. (1) (a) 5. is believed.~~ The statement of emergency detention
19 shall be filed by the officer or other person with the detention facility at the time of
20 admission, and with the court immediately thereafter. The filing of the statement
21 has the same effect as a petition for commitment under s. 51.20. When, upon the
22 advice of the treatment staff, the director of a facility specified in sub. (2) determines
23 that the grounds for detention no longer exist, he or she shall discharge the
24 individual detained under this section. Unless a hearing is held under s. 51.20 (7)
25 or 55.06 (11) (b), the subject individual may not be detained by the law enforcement

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SECTION 5

1 officer or other person and the facility for more than a total of 72 hours, exclusive of
2 Saturdays, Sundays, and legal holidays. 1965g ✓

3 SECTION 5. 51.20 (1) (a) 2. e. of the statutes is amended to read:

4 51.20 (1) (a) 2. e. For an individual, other than an individual who is alleged to
5 be drug dependent or developmentally disabled, after the advantages and
6 disadvantages of and alternatives to accepting a particular medication or treatment
7 have been explained to him or her and because of mental illness, evidences either
8 incapability of expressing an understanding of the advantages and disadvantages of
9 accepting medication or treatment and the alternatives, or substantial incapability
10 of applying an understanding of the advantages, disadvantages, and alternatives to
11 his or her mental illness in order to make an informed choice as to whether to accept
12 or refuse medication or treatment; and evidences a substantial probability, as
13 demonstrated by both the individual's treatment history and his or her recent acts
14 or omissions, that the individual needs care or treatment to prevent further
15 disability or deterioration and a substantial probability that he or she will, if left
16 untreated, lack services necessary for his or her health or safety and suffer severe
17 mental, emotional, or physical harm that will result in the loss of the individual's
18 ability to function independently in the community or the loss of cognitive or
19 volitional control over his or her thoughts or actions. The probability of suffering
20 severe mental, emotional, or physical harm is not substantial under this subd. 2. e.
21 if reasonable provision for the individual's care or treatment is available in the
22 community and there is a reasonable probability that the individual will avail
23 himself or herself of these services or if the individual is appropriate for protective
24 placement under s. 55.06. Food, shelter, or other care that is provided to an
25 individual who is substantially incapable of obtaining food, shelter, or other care for

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1 himself or herself by any person other than a treatment facility does not constitute
2 reasonable provision for the individual's care or treatment in the community under
3 this subd. 2. e. The individual's status as a minor does not automatically establish
4 a substantial probability of suffering severe mental, emotional, or physical harm
5 under this subd. 2. e. ~~This subd. 2. e. does not apply after November 30, 2001.~~

6 **SECTION 1965h** 51.20 (1) (ad) 1. of the statutes is amended to read:

7 51.20 (1) (ad) 1. If a petition under par. (a) is based on par. (a) 2. e., the petition
8 shall be reviewed and approved by the attorney general or by his or her designee prior
9 to ~~or within 12 hours after~~ the time that it is filed. If the attorney general or his or
10 her designee disapproves or fails to act with respect to the petition, the petition may
11 not be filed. ~~If the attorney general or his or her designee disapproves or fails to act~~
12 ~~with respect to a petition under this subdivision within 12 hours after the time that~~
13 ~~it is filed, the individual, if detained under the petition, shall be released and the~~
14 ~~petition is void.~~ **1965i** ✓

15 **SECTION 1965j** 51.20 (1) (ad) 3. of the statutes is repealed.

16 **SECTION 1965j** 51.20 (10) (cm) 1. of the statutes is renumbered 51.20 (10) (cm) and
17 amended to read:

18 51.20 (10) (cm) Prior to or at the final hearing, for individuals for whom a
19 petition is filed under sub. (1) (a) 2. e., the county department under s. 51.42 or 51.437
20 shall furnish to the court and the subject individual an initial recommended written
21 treatment plan that contains the goals of treatment, the type of treatment to be
22 provided, and the expected providers. The treatment plan shall address the
23 individual's needs for inpatient care, residential services, community support
24 services, medication and its monitoring, case management, and other services to
25 enable the person to live in the community upon release from an inpatient facility.

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1 The treatment plan shall contain information concerning the availability of the
 2 needed services and community treatment providers' acceptance of the individual
 3 into their programs. The treatment plan is only a recommendation and is not subject
 4 to approval or disapproval by the court. Failure to furnish a treatment plan under
 5 this ~~subdivision~~ paragraph does not constitute grounds for dismissal of the petition
 6 unless the failure is made in bad faith. 1965K ✓

7 ~~SECTION 10.~~ 51.20 (10) (cm) 2. of the statutes is repealed. 1965L ✓

8 ~~SECTION 11.~~ 51.20 (13) (g) 2d. c. of the statutes is repealed. 1965M

9 ~~SECTION 12.~~ 51.30 (3) (b) of the statutes is amended to read:

10 51.30 (3) (b) An individual's attorney or guardian ad litem and the corporation
 11 counsel shall have access to the files and records of the court proceedings under this
 12 chapter without the individual's consent and without modification of the records in
 13 order to prepare for involuntary commitment or recommitment proceedings,
 14 reexaminations, appeals, or other actions relating to detention, admission, or
 15 commitment under this chapter or ch. 971 or 975. 1965N ✓

16 ~~SECTION 13.~~ 51.30 (4) (b) 11. of the statutes is amended to read:

17 51.30 (4) (b) 11. To the subject individual's counsel or guardian ad litem and
 18 the corporation counsel, without modification, at any time in order to prepare for
 19 involuntary commitment or recommitment proceedings, reexaminations, appeals, or
 20 other actions relating to detention, admission, commitment, or patients' rights under
 21 this chapter or ch. 48, 971, or 975. 1965P ✓

22 ~~SECTION 14.~~ 51.30 (4) (b) 14. of the statutes is repealed. 1982V ✓

23 ~~SECTION 15.~~ 51.61 (1) (g) 3m. of the statutes is amended to read:

24 51.61 (1) (g) 3m. Following a final commitment order for a subject individual
 25 who is determined to meet the commitment standard under s. 51.20 (1) (a) 2. e., the

→ #. Page 660, line 5 : after that line insert:

" SECTION 15. 51.61 (1) (g) 3m. of the statutes is amended to read:

ASSEMBLY BILL 182

1 court shall issue an order permitting medication or treatment to be administered to
2 the individual regardless of his or her consent. ~~This subdivision does not apply after~~

3 November 30, 2001. " ✓
. Page 958, line 24: after that line insert:

4 " SECTION ~~16~~ 165.017 (1) of the statutes is repealed.

5 SECTION ~~17~~ 165.017 (2) of the statutes is amended to read:

6 165.017 (2) The attorney general or his or her designee shall review and
7 approve or disapprove all proposed petitions ~~or petitions~~ for commitment of
8 individuals as specified under s. 51.20 (1) (ad) 1.

9 SECTION ~~18~~ 165.017 (3) of the statutes is repealed.

10 SECTION ~~19~~ 165.017 (5) of the statutes is repealed. " ✓

→ # . Page 1281, line 6: after that line insert:

11 " SECTION ~~20~~ 1995 Wisconsin Act 292, section 5 is repealed.

12 SECTION ~~21~~ 1995 Wisconsin Act 292, section 12 is repealed.

13 SECTION ~~22~~ 1995 Wisconsin Act 292, section 14 is repealed.

14 SECTION ~~23~~ 1995 Wisconsin Act 292, section 16 is repealed.

15 SECTION ~~24~~ 1995 Wisconsin Act 292, section 20 is repealed.

16 SECTION ~~25~~ 1995 Wisconsin Act 292, section 22 is repealed.

17 SECTION ~~26~~ 1995 Wisconsin Act 292, section 24 is repealed.

18 SECTION ~~27~~ 1995 Wisconsin Act 292, section 28 is repealed.

19 SECTION ~~28~~ 1995 Wisconsin Act 292, section 30 is repealed.

20 SECTION ~~29~~ 1995 Wisconsin Act 292, section 30h is repealed.

21 SECTION ~~30~~ 1995 Wisconsin Act 292, section 32 is repealed.

22 SECTION ~~31~~ 1995 Wisconsin Act 292, section 37 (1) is repealed. " ✓

→ # . Page 1282, line 16: after that line insert:

23 " SECTION ~~32~~ 1997 Wisconsin Act 35, section 141 is repealed.

24 SECTION ~~33~~ 1997 Wisconsin Act 35, section 144 is repealed.

25 SECTION ~~34~~ 1997 Wisconsin Act 35, section 147 is repealed.

ASSEMBLY BILL 182

4041g ✓

① SECTION 35. 1997 Wisconsin Act 35, section 605 (1) is repealed. "

2 ~~SECTION 36. Nonstatutory provisions, health and family services.~~

g #. Page 1338, line 20: after that line insert:

3 " 15e (3) FIFTH STANDARD FOR EMERGENCY DETENTION AND CIVIL COMMITMENT. The
4 repeal of 1995 Wisconsin Act 292, sections 5, 12, 14, 16, 20, 22, 24, 28, 30, 30h, 32,
5 and 37 (1), and the repeal of 1997 Wisconsin Act 35, sections 141, 144, 147, and 605

6 (1), by this act apply notwithstanding section 990.03 (3) of the statutes. "

7

(END)

2001-2002 LEGISLATURE

CORRECTIONS IN:

2001 ASSEMBLY BILL 182

Prepared by the Legislative Reference Bureau
(March 16, 2001)

1. Page 10, line 6: delete "by this act".

ARC:.....Hughes - AM22—Eliminate emergency detention under fifth standard; eliminate sunset of fifth standard for involuntary commitment

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

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

3 “SECTION 1965b. 51.15 (1) (a) (intro.) of the statutes is amended to read:

4 51.15 (1) (a) (intro.) A law enforcement officer or other person authorized to
5 take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938
6 may take an individual into custody if the officer or person has cause to believe that
7 such the individual is mentally ill ~~or, except as provided in subd. 5., is drug~~
8 dependent, or is developmentally disabled, and that the individual evidences any of
9 the following:

1 **SECTION 1965c.** 51.15 (1) (a) 5. of the statutes is repealed.

2 **SECTION 1965d.** 51.15 (1) (c) of the statutes is repealed.

3 **SECTION 1965e.** 51.15 (4) (a) of the statutes is amended to read:

4 51.15 (4) (a) In counties having a population of 500,000 or more, the law
5 enforcement officer or other person authorized to take a child into custody under ch.
6 48 or to take a juvenile into custody under ch. 938 shall sign a statement of
7 emergency detention which shall provide detailed specific information concerning
8 the recent overt act, attempt, or threat to act or omission on which the belief under
9 sub. (1) is based and the names of the persons observing or reporting the recent overt
10 act, attempt, or threat to act or omission. The law enforcement officer or other person
11 is not required to designate in the statement whether the subject individual is
12 mentally ill, developmentally disabled, or drug dependent, but shall allege that he
13 or she has cause to believe that the individual evidences one or more of these
14 conditions ~~if sub. (1) (a) 1., 2., 3. or 4. is believed or mental illness, if sub. (1) (a) 5.~~
15 ~~is believed.~~ The law enforcement officer or other person shall deliver, or cause to be
16 delivered, the statement to the detention facility upon the delivery of the individual
17 to it.

18 **SECTION 1965f.** 51.15 (5) of the statutes is amended to read:

19 51.15 (5) **DETENTION PROCEDURE; OTHER COUNTIES.** In counties having a
20 population of less than 500,000, the law enforcement officer or other person
21 authorized to take a child into custody under ch. 48 or to take a juvenile into custody
22 under ch. 938 shall sign a statement of emergency detention ~~which~~ that shall provide
23 detailed specific information concerning the recent overt act, attempt, or threat to
24 act or omission on which the belief under sub. (1) is based and the names of persons
25 observing or reporting the recent overt act, attempt, or threat to act or omission. The

1 law enforcement officer or other person is not required to designate in the statement
2 whether the subject individual is mentally ill, developmentally disabled, or drug
3 dependent, but shall allege that he or she has cause to believe that the individual
4 evidences one or more of these conditions if sub. (1) (a) 1., 2., 3. or 4. is believed or
5 mental illness, if sub. (1) (a) 5. is believed. The statement of emergency detention
6 shall be filed by the officer or other person with the detention facility at the time of
7 admission, and with the court immediately thereafter. The filing of the statement
8 has the same effect as a petition for commitment under s. 51.20. When, upon the
9 advice of the treatment staff, the director of a facility specified in sub. (2) determines
10 that the grounds for detention no longer exist, he or she shall discharge the
11 individual detained under this section. Unless a hearing is held under s. 51.20 (7)
12 or 55.06 (11) (b), the subject individual may not be detained by the law enforcement
13 officer or other person and the facility for more than a total of 72 hours, exclusive of
14 Saturdays, Sundays, and legal holidays.

15 **SECTION 1965g.** 51.20 (1) (a) 2. e. of the statutes is amended to read:

16 51.20 (1) (a) 2. e. For an individual, other than an individual who is alleged to
17 be drug dependent or developmentally disabled, after the advantages and
18 disadvantages of and alternatives to accepting a particular medication or treatment
19 have been explained to him or her and because of mental illness, evidences either
20 incapability of expressing an understanding of the advantages and disadvantages of
21 accepting medication or treatment and the alternatives, or substantial incapability
22 of applying an understanding of the advantages, disadvantages, and alternatives to
23 his or her mental illness in order to make an informed choice as to whether to accept
24 or refuse medication or treatment; and evidences a substantial probability, as
25 demonstrated by both the individual's treatment history and his or her recent acts

1 or omissions, that the individual needs care or treatment to prevent further
2 disability or deterioration and a substantial probability that he or she will, if left
3 untreated, lack services necessary for his or her health or safety and suffer severe
4 mental, emotional, or physical harm that will result in the loss of the individual's
5 ability to function independently in the community or the loss of cognitive or
6 volitional control over his or her thoughts or actions. The probability of suffering
7 severe mental, emotional, or physical harm is not substantial under this subd. 2. e.
8 if reasonable provision for the individual's care or treatment is available in the
9 community and there is a reasonable probability that the individual will avail
10 himself or herself of these services or if the individual is appropriate for protective
11 placement under s. 55.06. Food, shelter, or other care that is provided to an
12 individual who is substantially incapable of obtaining food, shelter, or other care for
13 himself or herself by any person other than a treatment facility does not constitute
14 reasonable provision for the individual's care or treatment in the community under
15 this subd. 2. e. The individual's status as a minor does not automatically establish
16 a substantial probability of suffering severe mental, emotional, or physical harm
17 under this subd. 2. e. ~~This subd. 2. e. does not apply after November 30, 2001.~~

18 **SECTION 1965h.** 51.20 (1) (ad) 1. of the statutes is amended to read:

19 51.20 (1) (ad) 1. If a petition under par. (a) is based on par. (a) 2. e., the petition
20 shall be reviewed and approved by the attorney general or by his or her designee prior
21 to ~~or within 12 hours after~~ the time that it is filed. If the attorney general or his or
22 her designee disapproves or fails to act with respect to the petition, the petition may
23 not be filed. ~~If the attorney general or his or her designee disapproves or fails to act~~
24 ~~with respect to a petition under this subdivision within 12 hours after the time that~~

1 ~~it is filed, the individual, if detained under the petition, shall be released and the~~
2 ~~petition is void.~~

3 **SECTION 1965i.** 51.20 (1) (ad) 3. of the statutes is repealed.

4 **SECTION 1965j.** 51.20 (10) (cm) 1. of the statutes is renumbered 51.20 (10) (cm)
5 and amended to read:

6 51.20 (10) (cm) Prior to or at the final hearing, for individuals for whom a
7 petition is filed under sub. (1) (a) 2. e., the county department under s. 51.42 or 51.437
8 shall furnish to the court and the subject individual an initial recommended written
9 treatment plan that contains the goals of treatment, the type of treatment to be
10 provided, and the expected providers. The treatment plan shall address the
11 individual's needs for inpatient care, residential services, community support
12 services, medication and its monitoring, case management, and other services to
13 enable the person to live in the community upon release from an inpatient facility.
14 The treatment plan shall contain information concerning the availability of the
15 needed services and community treatment providers' acceptance of the individual
16 into their programs. The treatment plan is only a recommendation and is not subject
17 to approval or disapproval by the court. Failure to furnish a treatment plan under
18 this ~~subdivision~~ paragraph does not constitute grounds for dismissal of the petition
19 unless the failure is made in bad faith.

20 **SECTION 1965k.** 51.20 (10) (cm) 2. of the statutes is repealed.

21 **SECTION 1965L.** 51.20 (13) (g) 2d. c. of the statutes is repealed.

22 **SECTION 1965m.** 51.30 (3) (b) of the statutes is amended to read:

23 51.30 (3) (b) An individual's attorney or guardian ad litem and the corporation
24 counsel shall have access to the files and records of the court proceedings under this
25 chapter without the individual's consent and without modification of the records in

1 order to prepare for involuntary commitment or recommitment proceedings,
2 reexaminations, appeals, or other actions relating to detention, admission, or
3 commitment under this chapter or ch. 971 or 975.

4 **SECTION 1965n.** 51.30 (4) (b) 11. of the statutes is amended to read:

5 51.30 (4) (b) 11. To the subject individual’s counsel or guardian ad litem and
6 the corporation counsel, without modification, at any time in order to prepare for
7 involuntary commitment or recommitment proceedings, reexaminations, appeals, or
8 other actions relating to detention, admission, commitment, or patients’ rights under
9 this chapter or ch. 48, 971, or 975.

10 **SECTION 1965p.** 51.30 (4) (b) 14. of the statutes is repealed.”.

11 **2.** Page 660, line 5: after that line insert:

12 “**SECTION 1982v.** 51.61 (1) (g) 3m. of the statutes is amended to read:

13 51.61 (1) (g) 3m. Following a final commitment order for a subject individual
14 who is determined to meet the commitment standard under s. 51.20 (1) (a) 2. e., the
15 court shall issue an order permitting medication or treatment to be administered to
16 the individual regardless of his or her consent. ~~This subdivision does not apply after~~
17 ~~November 30, 2001.~~”.

18 **3.** Page 958, line 24: after that line insert:

19 “**SECTION 2853r.** 165.017 (1) of the statutes is repealed.

20 **SECTION 2853s.** 165.017 (2) of the statutes is amended to read:

21 165.017 (2) The attorney general or his or her designee shall review and
22 approve or disapprove all proposed petitions ~~or petitions~~ for commitment of
23 individuals as specified under s. 51.20 (1) (ad) 1.

24 **SECTION 2853t.** 165.017 (3) of the statutes is repealed.

1 **SECTION 2853u.** 165.017 (5) of the statutes is repealed.”.

2 **4.** Page 1281, line 6: after that line insert:

3 **“SECTION 4034zb.** 1995 Wisconsin Act 292, section 5 is repealed.

4 **SECTION 4034zc.** 1995 Wisconsin Act 292, section 12 is repealed.

5 **SECTION 4034zd.** 1995 Wisconsin Act 292, section 14 is repealed.

6 **SECTION 4034ze.** 1995 Wisconsin Act 292, section 16 is repealed.

7 **SECTION 4034zf.** 1995 Wisconsin Act 292, section 20 is repealed.

8 **SECTION 4034zg.** 1995 Wisconsin Act 292, section 22 is repealed.

9 **SECTION 4034zh.** 1995 Wisconsin Act 292, section 24 is repealed.

10 **SECTION 4034zi.** 1995 Wisconsin Act 292, section 28 is repealed.

11 **SECTION 4034zj.** 1995 Wisconsin Act 292, section 30 is repealed.

12 **SECTION 4034zk.** 1995 Wisconsin Act 292, section 30h is repealed.

13 **SECTION 4034zL.** 1995 Wisconsin Act 292, section 32 is repealed.

14 **SECTION 4034zm.** 1995 Wisconsin Act 292, section 37 (1) is repealed.”.

15 **5.** Page 1282, line 16: after that line insert:

16 **“SECTION 4041d.** 1997 Wisconsin Act 35, section 141 is repealed.

17 **SECTION 4041e.** 1997 Wisconsin Act 35, section 144 is repealed.

18 **SECTION 4041f.** 1997 Wisconsin Act 35, section 147 is repealed.

19 **SECTION 4041g.** 1997 Wisconsin Act 35, section 605 (1) is repealed.”.

20 **6.** Page 1338, line 20: after that line insert:

21 **“(15e) FIFTH STANDARD FOR EMERGENCY DETENTION AND CIVIL COMMITMENT.** The
22 repeal of 1995 Wisconsin Act 292, sections 5, 12, 14, 16, 20, 22, 24, 28, 30, 30h, 32,

1 and 37 (1), and the repeal of 1997 Wisconsin Act 35, sections 141, 144, 147, and 605
2 (1), apply notwithstanding section 990.03 (3) of the statutes.”

3

(END)