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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2001-02

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Corrections and Courts (AC-CC)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

Moved by Representative Underheim, seconded by Representative Suder, that **Assembly Bill 735** be recommended for passage.

Ayes: (8) Representatives Walker, Suder, Owens,
Underheim, Balow, Coggs, Pohan and Colon.
Noes: (2) Representatives Friske and Skindrud.
Absent: (0) None.

PASSAGE RECOMMENDED, Ayes 8, Noes 2, Absent 0

A handwritten signature in cursive script, appearing to read "Melissa R. Lambert", written over a horizontal line.

Committee Clerk

Vote Record

Assembly - Committee on Corrections and the Courts

Date: 2/27/02
 Moved by: Underheim Seconded by: Suder
 AB: 735 SB: _____ Clearinghouse Rule: _____
 AJR: _____ SJR: _____ Appointment: _____
 AR: _____ SR: _____ 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:
- | | |
|--|--|
| <input type="checkbox"/> Passage
<input type="checkbox"/> Introduction
<input type="checkbox"/> Adoption
<input type="checkbox"/> Rejection | <input type="checkbox"/> Indefinite Postponement
<input type="checkbox"/> Tabling
<input type="checkbox"/> Concurrence
<input type="checkbox"/> Nonconcurrence
<input type="checkbox"/> Confirmation |
|--|--|

Committee Member	Aye	No	Absent	Not Voting
Rep. Scott Walker, Chair	<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. Donald Friske	<input type="checkbox"/>	<input checked="" 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. Rick Skindrud	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gregg Underheim	<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. Pedro Colon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>	<u>2</u>	<u>0</u>	<u>0</u>





DISTRICT 1199W/UNITED PROFESSIONALS FOR QUALITY HEALTH CARE

Affiliated with Service Employees International Union, AFL-CIO, CLC

2001 W. BELTLINE HIGHWAY, SUITE 201

MADISON, WISCONSIN 53713-2366

(608) 277-1199 FAX (608) 270-2025 TOLL FREE (888) 285-1199

UNITED PROFESSIONALS, LEADING THE WAY TO QUALITY HEALTH CARE

TESTIMONY IN SUPPORT OF

AB-735 – Battery By Persons Held In Custody

PUBLIC HEARING BEFORE THE

Assembly Committee on Corrections and The Courts

February 6, 2002

Chair Representative Walker and Members of the Committee:

SEIU District 1199W/United Professionals For Quality Health Care represents over 3,500 health care professionals statewide. Of these, over 450 nurses and other health care professionals are employed by the State of Wisconsin in the Department of Corrections, Wisconsin Resource Center, Mendota Mental Health Institute, Winnebago Mental Health Institute, and Sandridge Secure Treatment Center. Our members also include 1,200 nurses and other professionals who work at UW Hospitals and Clinics.

I would like to take this opportunity to thank Representative Underheim for his leadership in co-sponsoring this legislation along with Representatives Krawczyk, Hundertmark, Ryba, Petrowski, Vrakas, Hahn, and Musser.

As Executive Director of the District, I am here to urge you to support AB-735, a bill that clarifies existing law regarding penalties which may be imposed against persons who batter our members or anyone else while in custody. A person who commits battery must be held accountable, regardless of when, where, or who that person batters. This clarification of existing law will leave no doubts about that accountability.

One of our nurses at Mendota almost died as a result of being attacked by two (2) men “detained” at Mendota during a competency evaluation. In that case, one (1) man later committed suicide and the other was found guilty of murder, resulting in a life sentence and making further charges unnecessary. However, the question remains as to whether Section 940.20(1) would have applied in her case because her attacker had not been found guilty of any charges at the time of the attack.

We are continuing to see increases in the number of persons sent to Mendota for competency testing. These “patients” are frequently very dangerous criminals looking for a way to avoid trial – a way to avoid being held accountable. Our nurses become targets for these people to vent their hostility. These caregivers deserve the full protection of the law.

This question becomes even more important with the recent opening of Sandridge Secure Treatment Center. Sexual predators sent to Sandridge have served their time. They continue to

be held because they have been found too dangerous to return to society. Are these "patients", prisoners" within the current context of the law? AB-735 would make certain no loopholes exist.

The situation with UW-Hospital is equally unclear under current law. Injured or ill prisoners are frequently taken to UW-Hospital for treatment. It is not known if our members or the public are protected against attacks occurring there. AB-735 will eliminate any questions.

In 2000, the latest year for which I have complete figures, our registered nurses at Winnebago lost 1,642 hours of work time due to injuries sustained as the result of being battered by patients there. Although I am unable to tell you how many of those injuries resulted from "prisoners" versus "non-adjudicated persons", the dangerous nature of the work in this facility becomes obvious. It should be equally obvious that these employees should have the full weight of the law behind them if they are attacked, regardless of who attacks them or where the attack occurs.

When I asked our members to tell me why this legislation is important, here are the chilling words I received from a member at the Wisconsin Resource Center:

"As you know I was severely battered twice; once 12 years ago which left me with a permanent closed head injury which resulted in severe daily headaches, loss of 3 teeth, permanent loss of sense of taste and smell etc. The last assault resulted in 3 fractured vertebrae requiring major!!!! surgery with titanium implants in the spine and abdomen. It also left me with complete numbness in left leg and permanent drop foot.

"...Both assaults happened in WRC while I was passing medications. The second happened with 3 staff present and the inmate cuffed to the steel observation door. He was still able to grab my wrist and shirt and pull my hips and abdomen repeatedly and violently into the steel trap door causing fractures to my vertebrae.

"I feel we all need protective status, plus mandatory filing of outside charges for the battery by our employer. This was not done in my second battery."

I leave you with these words to once again remind you of the dangers our dedicated health care workers face every day that they go to work. AB-735 and its companion bill SB-387 are common sense, non-partisan pieces of legislation that will guarantee that when these employees are battered, the laws of the State of Wisconsin will hold their attackers accountable.

Thank you.

For more information please contact LeNore Wilson, Executive Director, SEIU District 1199W/UP at (608) 277-1199, ext. 14



FEB 20 2002

DISTRICT 1199W/UP



Leading the Way

UNITED PROFESSIONALS FOR
QUALITY HEALTH CARE

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UNITED PROFESSIONALS, LEADING THE WAY TO QUALITY HEALTH CARE

February 15, 2002

Representative Scott Walker
Room 308N
State Capitol
Madison, WI 53708

RE: AB-735

Dear Representative Walker,

During my testimony at the Public Hearing on AB-735, Representative Spencer Coggs requested more information be provided to your office on the amount of work hours lost by nurse clinicians at Winnebago Mental Health Institute as a result of patient attacks. This is the information I have received:

1997	472 hours
1998	424 hours plus one nurse lost 6 mos. And another 8 mos.
1999	720 hours
2000	1640 hours
2001	2660 hours

I believe these numbers speak for themselves in terms of the increasing dangers to our members in this facility and others like it.

Again, thank you for your support of AB-735 as well as the many other issues you have assisted us with. Our members appreciate the concern and support you have given them.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'LeNore J. Wilson', written over a large, light-colored oval shape.

LeNore J. Wilson
Executive Director

Cc: Rep. Spencer Coggs
Curt Pawlisch, Lobbyist



2/16/02

Lenore Wilson - ABS 735 (battery by inmates)
↳ SELU (nurses union)

1,642 hrs. lost by
nurses^{at Winnebago} due to injuries inflicted
by prisoners in 2000

Steady increase in ~~an~~ # of
hours lost due to ^{these} injuries at
Mendota as well as Winnebago

Underheim - ABS 735

- ~~replaces~~
- * defines
- prisoner or detainee
- ~~Am~~
- * removes specification of location
- * removes special class application



STATE OF WISCONSIN

To _____

Date _____ Time 1105

WHILE YOU WERE OUT

M LINDA MURTIIS

of TESTIFIED AT BATTERY HEARING

Phone 301-1603 WORK
222-7381 HOME

Telephoned	<input checked="" type="checkbox"/>	Please Call	<input checked="" type="checkbox"/>
Called to See You	<input type="checkbox"/>	Rush	<input type="checkbox"/>
Returned Your Call	<input checked="" type="checkbox"/>	Will Call Again	<input type="checkbox"/>

Message _____



Party Receiving Call

AB 735 folder

Date ?