

**2003 DRAFTING REQUEST**

**Bill**

Received: **09/17/2002**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Jablonsky**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Mental Health - miscellaneous  
Criminal Law - miscellaneous**

Extra Copies: **MGD**

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Jablonsky - BB0020

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**Topic:**

DHFS funding for competency examinations of criminal defendants

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**Instructions:**

See Attached

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**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>
/?							S&L
/P1	rryan 10/02/2002 rryan 11/15/2002	kfollett 10/02/2002 kfollett 10/02/2002	pgreensl 10/03/2002		sbasford 10/03/2002		S&L
/1	dkennedy 12/05/2002	kfollett 12/05/2002 kfollett 12/05/2002	rschluet 12/06/2002		<del>amentk</del> <del>12/06/2002</del> amentk 12/06/2002		

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FE Sent For:

**<END>**

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/?							S&L
/P1	rryan 10/02/2002	kfollett 10/02/2002 kfollett 10/02/2002	pgreensl 10/03/2002		sbasford 10/03/2002		

FE Sent For:

11 kjf  
12/5  
11-12/5  
mg

  
<END>  
n62

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Wanted: As time permits

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DOA:.....Jablonsky - BB0020

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See Attached

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FE Sent For:		1/1 kjf 10/2	10/3	10/3			
		1/1 - 10/2 Kmg	PJ	<END> LJG			

# DHFS

*Department of Health and Family Services*  
**2003-2005 Biennial Budget Statutory Language Request**  
June 12, 2002

## Outpatient Competency: Milwaukee County

### Current Language

s.20.435(2)(bj)

### Proposed Change

Amend s.20.435(2)(bj) to remove the reference to Milwaukee (see attached).

### Effect of the Change

This statutory language amendment allows the Department to use funds from this appropriation to provide an outpatient competency evaluation program to any county, not just Milwaukee, to reflect current practice.

### Rationale for the Change

Beginning in 1980, the Department contracted with Milwaukee County to conduct outpatient competency-to-stand-trial evaluations for cases in Milwaukee. In February 2001, DCTF began a pilot project in which it conducted competency evaluations on an outpatient basis for residents of counties other than Milwaukee, rather than utilizing inpatient beds at Mendota or Winnebago Mental Health Institutes. This pilot proved successful and, as of January 2002, DHFS has been conducting the majority of competency examinations on an outpatient basis. Milwaukee County no longer provides these services. Outpatient competency funds in s.20.435 (2)(bj) are now being used to fund outpatient competency examinations statewide and the appropriation language must be amended to reflect that fact.

The expansion of outpatient competency evaluations to the entire state was adopted as a cost-saving measure by DCTF to respond to rapid increases in the inpatient forensic populations at the MHIs. The current practice of performing competency evaluations primarily on an outpatient basis has slowed the growth of the forensic population but has not reduced the population at the MHIs.

The Department proposed this amendment in the 2001-03 biennial budget but Milwaukee County asked that the current language be retained during this biennium, because Milwaukee had a

contract with the state until the end of calendar year 2001. The proposed language reflects current practice and Milwaukee is in agreement with the changes.

**Desired Effective Date:** Upon Passage of the Budget Bill  
**Agency:** DHFS  
**Agency Contact:** Ellen Hadidian  
**Phone:** 266-8155

Proposed amendment:

s.20.435(2)(bj) Competency examinations and conditional and supervised release services. Biennially, the amounts in the schedule for competency examinations ~~in a county with a population of 500,000 or more,~~ and for payment by the department of costs for treatment and services for persons released under s.980.06(2)(c), 1997 stats., or s.971.17(3)(d) or (4)(e) or 980.08 (5), for which the department has contracted with county departments under s.51.42(3)(aw) 1.d., with other public agencies, or with private agencies to provide the treatment and services.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0127/P1  
RLR: [Signature] King

In 10/2/02

DOA:.....Jablonsky – BB0020 DHFS funding for competency examinations of criminal defendants

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

D-Note

DO NOT GEN

1 AN ACT ...; relating to: funding for competency examinations of criminal  
2 defendants.

*Analysis by the Legislative Reference Bureau*  
HEALTH AND HUMAN SERVICES (B) (CAPS)

OTHER HEALTH AND HUMAN SERVICES

Under current law, DHFS may allocate general purpose revenue to fund competency examinations of criminal defendants in Milwaukee County. This bill allows DHFS to allocate general purpose revenue to fund competency examinations without designating a specific county for the examinations.

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. 20.435 (2) (bj) of the statutes is amended to read:  
4 20.435 (2) (bj) *Competency examinations and conditional and supervised*  
5 *release services.* Biennially, the amounts in the schedule for competency

6-1-02



*conducted in jail or locked unit*

1 examinations ~~in a county with a population of 500,000 or more~~, under s. 971.14 (2) (am)

2 and for payment by the department of costs for treatment and services for persons

3 released under s. 980.06 (2) (c), 1997 stats., or s. 971.17 (3) (d) or (4) (e) or 980.08 (5),

4 for which the department has contracted with county departments under s. 51.42 (3)

5 (aw) 1. d., with other public agencies, or with private agencies to provide the

6 treatment and services.

**History:** 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105.

7

(END)

D-Note

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

LRB-0127/P1dn

RLR: *kgf* *ekmg*

*Date*

Sue Jablonsky,

*stat*  
*Wisconsin*

*Wisconsin*

*s.*

Generally, appropriations language provides a general statement of the purpose for which funds may be spent, and a related statutory provision outside chapter 20 provides further specification on how the appropriated funds may be spent. Since s. 46.48 (10), 1999 stats., was repealed by 2001 Act 16, there is no language outside s. 20.435 (2) (bj) regarding DHFS spending on competency examinations. There is no limitation, aside from the chapter 20 schedule entry for 20.435 (2) (bj), on how much DHFS may spend on competency examinations. Although the DHFS title for this budget request refers to "outpatient" examinations, the bill does not specify whether the funding may be used for inpatient versus outpatient examinations. Nor does the bill require that DHFS allocate the funding to counties or private entities. DHFS could use the funding to perform competency examinations internally.

I recommend adding a section in chapter 46 that states that DHFS shall provide not more than \$X in each fiscal year to counties to fund (outpatient) examinations under s. 971.14 (2). This essentially duplicates s. 46.48 (10), 1999 stats., without limiting the funding to Milwaukee County.

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

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

LRB-0127/P1dn  
RLR:kjf&kmg:pg

October 3, 2002

Sue Jablonsky,

Generally, appropriations language provides a general statement of the purpose for which funds may be spent, and a related statutory provision outside chapter 20 provides further specification on how the appropriated funds may be spent. Since s. 46.48 (10), 1999 stats., was repealed by 2001 Wisconsin Act 16, there is no language outside s. 20.435 (2) (bj) regarding DHFS spending on competency examinations. There is no limitation, aside from the chapter 20 schedule entry for s. 20.435 (2) (bj), on how much DHFS may spend on competency examinations. Although the DHFS title for this budget request refers to "outpatient" examinations, the bill does not specify whether the funding may be used for inpatient versus outpatient examinations. Nor does the bill require that DHFS allocate the funding to counties or private entities. DHFS could use the funding to perform competency examinations internally.

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

## Ryan, Robin

---

**From:** Hadidian, Ellen  
**Sent:** September 26, 2002 11:11 AM  
**To:** Ryan, Robin  
**Cc:** Jablonsky, Sue  
**Subject:** Re: FW: Outpatient competency exams

Robin,

What we are trying to do is eliminate the reference to Milwaukee co. Originally there was a specific allocation that went to Milwaukee co. to provide outpatient exams. Last biennium we expanded the outpatient exam program to the whole state and, after the contract with Milwaukee co. expired, contracted with another provider to do exams in Milwaukee. We are just trying to get rid of the old reference - it's kind of a technical change. I'll e-mail your questions to DCTF though to see whether they want any additional direction in statutes (I'm guessing not, but we'll see).

Ellen H.

>>> Jablonsky, Sue 09/25/02 03:44PM >>>

-----Original Message-----

**From:** Ryan, Robin  
**Sent:** Wednesday, September 25, 2002 3:17 PM  
**To:** Jablonsky, Sue  
**Subject:** Outpatient competency exams

Last session, the budget moved funding of competency examinations to a different appropriation and eliminated the language under 46.48 (10) that directed DHFS to provide a specified amount to Milwaukee for competency examinations, so now the only statutory direction on this subject is in the appropriation. Last session DOA only requested changing the appropriation, not repealing the ch. 46 language. I repealed the ch. 46 language in an amendment for LFB (perhaps requested by DHFS).

This year's request is to change 20.435 (2) (bj) to eliminate the requirement that the money for competency examinations be allocated to DHFS. There will be no indication in the statutes of how much DHFS is to spend on competency examinations, how counties are to request money, or how DHFS is to allocate the money. Do you want to recreate some statutory language in ch. 46 that provides some direction?

Thanks

## Ryan, Robin

---

**From:** Jablonsky, Sue  
**Sent:** October 14, 2002 9:28 AM  
**To:** Ryan, Robin  
**Subject:** FW: FW: LRB Draft: 03-0127/P1 DHFS funding for competency examinations of criminal defendants

-----Original Message-----

**From:** Hadidian, Ellen  
**Sent:** Monday, October 14, 2002 8:59 AM  
**To:** Jablonsky, Sue  
**Subject:** Re: FW: LRB Draft: 03-0127/P1 DHFS funding for competency examinations of criminal defendants

Could you let LRB know that DCTF would like to leave the language as is?  
thanks

>>> Jablonsky, Sue 10/03/02 11:20AM >>>

-----Original Message-----

**From:** Greenslet, Patty  
**Sent:** Thursday, October 03, 2002 9:42 AM  
**To:** Jablonsky, Sue  
**Cc:** Kraus, Jennifer; Uecker, Deborah; Hanaman, Cathlene; Haugen, Caroline  
**Subject:** LRB Draft: 03-0127/P1 DHFS funding for competency examinations of criminal defendants

Following is the PDF version of draft 03-0127/P1.

**Ryan, Robin**

---

**From:** Jablonsky, Sue  
**Sent:** November 07, 2002 9:00 AM  
**To:** Ryan, Robin  
**Subject:** FW: FW: LRB Draft: 03-0127/P1 DHFS funding for competency examinations of criminal defendants

-----Original Message-----

**From:** Hadidian, Ellen  
**Sent:** Tuesday, November 05, 2002 1:59 PM  
**To:** Jablonsky, Sue  
**Subject:** Re: FW: LRB Draft: 03-0127/P1 DHFS funding for competency examinations of criminal defendants

Sue, the division has reviewed this legislation and requests that the drafter add (am) to the cite of 971.14(2) (p. 2, line 1). This will then reference the section in statutes that mandates that the state provide certain competency evaluations but specifies that the dept. can decide where the evaluations are done. The issue here is that Milwaukee is claiming the Dept. should pay for any evaluation, whether done in a jail or not, and if that occurs our costs will increase quite a bit. So we would need that reference to ensure we are not paying for more than we should.

In response to drafter's questions, we want the money to stay in DHFS, not have language that directs that \$X be given to counties. We also do not want a cap or limit on expenditures because we are required to do any evals the court orders and so cannot control numbers.

If you or drafter thinks a meeting would be helpful to discuss these issues, let me know. thanks

>>> Jablonsky, Sue 10/03/02 11:20AM >>>

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**Sent:** Thursday, October 03, 2002 9:42 AM  
**To:** Jablonsky, Sue  
**Cc:** Kraus, Jennifer; Uecker, Deborah; Hanaman, Cathlene; Haugen, Caroline  
**Subject:** LRB Draft: 03-0127/P1 DHFS funding for competency examinations of criminal defendants

Following is the PDF version of draft 03-0127/P1.

## Ryan, Robin

---

**From:** Ryan, Robin  
**Sent:** November 12, 2002 3:17 PM  
**To:** Jablonsky, Sue  
**Cc:** Hadidian, Ellen  
**Subject:** RE: FW: LRB Draft: 03-0127/P1 DHFS funding for competency examinations of criminal defendants

Should the redraft specify only "outpatient" examinations or all examinations that DHFS is ordered to conduct under s. 971.41 (2) (am)?  
Wouldn't the department still have to pay for outpatient examinations that take place in jail if the department determines that jail is the proper location? Is the point that the department not mind paying for the examinations that take place in jail as long as it has the discretion to determine where the examination takes place, and therefore to minimize the number that actually take place in jail.

Thanks

-----Original Message-----

**From:** Jablonsky, Sue  
**Sent:** November 07, 2002 9:00 AM  
**To:** Ryan, Robin  
**Subject:** FW: FW: LRB Draft: 03-0127/P1 DHFS funding for competency examinations of criminal defendants

-----Original Message-----

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>>> Jablonsky, Sue 10/03/02 11:20AM >>>

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**Cc:** Kraus, Jennifer; Uecker, Deborah; Hanaman, Cathlene; Haugen, Caroline  
**Subject:** LRB Draft: 03-0127/P1 DHFS funding for competency examinations of criminal defendants

Following is the PDF version of draft 03-0127/P1.



## Ryan, Robin

---

**From:** Hadidian, Ellen  
**Sent:** November 13, 2002 10:30 AM  
**To:** Ryan, Robin  
**Subject:** Re: Milwaukee mammography van

Robin, that looks fine to me but I'll check with division. thanks for being so patient about this one.

DCTF would like to meet with you about the outpatient comp piece, so we can answer all your questions without more e-mail. Do you have a specific date you are leaving or are you just working up to the bitter end and hoping the baby is on time? (And how is it going? The last month can be a little rough.)

>>> Ryan, Robin 11/13/02 10:26AM >>>

Ellen, how about the following for the Milwaukee mammography van language:

255.06 (2) (c) Mobile mammography van. Reimburse the city of Milwaukee public health department up to \$115,200 in each fiscal year for performing breast cancer screenings and providing education regarding breast cancer screenings and other health care services for women with the use of a mobile mammography van.

I'm expecting to go on leave sometime relatively soon, so if you can get feedback from the division soon then I can get this draft finalized. Thanks

11/19/02 Mtg. w/ Ellen Hadidian, Laura Flood, etc.

From DHFS: They want to fund only outpt. comp exams that are conducted in a jail or locked unit, not those for people on bail.  
(Inpt comp. exams are paid by DHFS + conducted at mental heth. institutes)

DAK: s. 20.435 (2) (b) should specify outpatient competency exams conducted in a jail or locked unit, under s. 971.14(2) (am)

Agreed.

Also - DAK suggested that s. 971.14(2) (am) be amended to indicate that (am) does not apply to defendants on bail - lang. of (2) (am) is not narrow enough to clearly exclude dept from oblig. to fund. ✓

Agreed - they will propose to Sue Jablonsky

DATE: November 18, 2002

TO: Sue Jablonsky, DOA Budget Analyst  
Cindy Daggett, DHFS Budget Analyst

FROM: Laura Flood, Administrator  
Division of Care and Treatment

RE: Outpatient Competency Evaluation Service statutory language change

We proposed removal of the reference in the appropriation language of the reference to Milwaukee County, more specificity in limiting this section to apply to "outpatient examinations conducted in a jail or locked unit of a mental health facility" as indicted under (971.14(2) (am)). The more specific reference will allow us to limit the use of the appropriation to evaluations as directed in the statute. We have met with the drafter and communicated this need.

We requested a large increase to fund these outpatient competency evaluations in our budget request due to projected growth in numbers of about 15% annually. We have concluded that additional language change is needed in order to avoid continually increasing numbers of these examinations and corresponding cost increases. In order to do this we suggest a clarification in the 971.14(2) (am) section that more specifically reflects the intent of that section. That clarification would limit DHFS responsibilities to conducting outpatient examinations on defendants, in custody in the jail or a locked unit of a facility.

I have reviewed this additional language change with our Deputy Secretary who has concurred with the request to have it added to our language change request.

Thank you for your consideration and work with the drafter.

Cc: Tom Alt  
Denise Webb  
Rod Miller  
Ellen Hadidian

Post-It® Fax Note		7671	Date	# of pages ▶
To	Debona		From	Sue
Co./Dept.			Co.	
Phone #			Phone #	
Fax #			Fax #	



DOA:.....Jablonsky - BB0020 DHFS funding for competency examinations of criminal defendants

FOR 2003-05 BUDGET -- NOT READY FOR INTRODUCTION

outpatient mental  
Do Not Gen

INSERT A  
(no #)

- ① AN ACT ...; relating to: funding for competency examinations of criminal
- ② defendants. that are conducted in jails or locked units

an appropriation of

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**  
**OTHER HEALTH AND HUMAN SERVICES**

in DHFS

Under current law, ~~DHFS may allocate~~ general purpose revenue ~~to fund~~ competency examinations of criminal defendants in Milwaukee County. This bill allows DHFS to allocate general purpose revenue to fund competency examinations without designating a specific county for the examinations.

INSERT B

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. 20.435 (2) (bj) of the statutes is amended to read:
- 4 20.435 (2) (bj) *Competency examinations and conditional and supervised*
- 5 *release services.* Biennially, the amounts in the schedule for competency

outpatient

**SECTION 1**

1 examinations ~~in a county with a population of 500,000 or more,~~ <sup>✓</sup> under s. 971.14 (2)  
2 and for payment by the department of costs for treatment and services for persons <sup>(am)</sup>  
3 released under s. 980.06 (2) (c), 1997 stats., or s. 971.17 (3) (d) or (4) (e) or 980.08 (5),  
4 for which the department has contracted with county departments under s. 51.42 (3)  
5 (aw) 1. d., with other public agencies, or with private agencies to provide the  
6 treatment and services.

INSERT 2-6

(END)

conducted in a jail or  
locked unit

**2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0127/1ins  
RLR:kjf&kmg:pg

**INSERT A** ✓

*no 41*  
Inpatient competency examinations of criminal defendants are funded under an appropriation of program revenue for mental health institutional operations and charges.

**INSERT B**

This bill eliminates general purpose revenue funding by DHFS of competency examinations of criminal defendants in Milwaukee County and, instead, limits the DHFS general purpose revenue funding for competency examinations of criminal defendants to those outpatient competency examinations that are for criminal defendants who are in jails or in locked units of facilities.

*end analysis insert*

X  
Section #. 971.14 (2) (am) of the statutes is amended to read:

971.14 (2) (am) Notwithstanding par. (a), if the court orders the defendant to be examined by the department or a department facility, the department shall determine where the examination will be conducted, who will conduct the examination and whether the examination will be conducted on an inpatient or outpatient basis. Any such outpatient examination shall be conducted in a jail or a locked unit of a facility. In any case under this paragraph in which the department determines that an inpatient examination is necessary, the 15-day period under par. (c) begins upon the arrival of the defendant at the inpatient facility. If an outpatient examination is begun by or through the department, and the department later determines that an inpatient examination is necessary, the sheriff shall transport the defendant to the inpatient facility designated by the department, unless the defendant has been released on bail.

History: 1981 c. 367; 1985 a. 29, 176; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 85, 403; 1989 a. 31, 107; Sup. Ct. Order, 158 Wis. 2d xyii (1990); 1991 a. 32; 1995 a. 27 s. 9126 (19); 1995 a. 268; 1997 a. 252; 2001 a. 16.

The department's responsibility for conducting examinations is limited to inpatient examinations and those outpatient examinations that are for defendants in custody in jail or in a locked unit of a facility.

end insert



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0127/1  
RLR&DAK:kjf&kmg:rs

DOA:.....Jablonsky – BB0020 DHFS funding for competency examinations  
of criminal defendants

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: funding for competency outpatient mental examinations  
2 of criminal defendants that are conducted in jails or locked units.

---

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, an appropriation of general purpose revenue in DHFS funds competency examinations of criminal defendants in Milwaukee County. Inpatient competency examinations of criminal defendants are funded under an appropriation of program revenue for mental health institutional operations and charges.

This bill eliminates general purpose revenue funding by DHFS of competency examinations of criminal defendants in Milwaukee County and, instead, limits the DHFS general purpose revenue funding for competency examinations of criminal defendants to those outpatient competency examinations that are for criminal defendants who are in jails or in locked units of facilities.

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 1.** 20.435 (2) (bj) of the statutes is amended to read:

2           20.435 (2) (bj) *Competency examinations and conditional and supervised*  
3 *release services.* Biennially, the amounts in the schedule for outpatient competency  
4 examinations ~~in a county with a population of 500,000 or more, conducted in a jail~~  
5 or locked unit under s. 971.14 (2) (am) and for payment by the department of costs  
6 for treatment and services for persons released under s. 980.06 (2) (c), 1997 stats.,  
7 or s. 971.17 (3) (d) or (4) (e) or 980.08 (5), for which the department has contracted  
8 with county departments under s. 51.42 (3) (aw) 1. d., with other public agencies, or  
9 with private agencies to provide the treatment and services.

10          **SECTION 2.** 971.14 (2) (am) of the statutes is amended to read:

11          971.14 (2) (am) Notwithstanding par. (a), if the court orders the defendant to  
12 be examined by the department or a department facility, the department shall  
13 determine where the examination will be conducted, who will conduct the  
14 examination and whether the examination will be conducted on an inpatient or  
15 outpatient basis. The department's responsibility for conducting examinations is  
16 limited to inpatient examinations and those outpatient examinations that are for  
17 defendants in custody in jail or in a locked unit of a facility. Any such outpatient  
18 examination shall be conducted in a jail or a locked unit of a facility. In any case  
19 under this paragraph in which the department determines that an inpatient  
20 examination is necessary, the 15-day period under par. (c) begins upon the arrival  
21 of the defendant at the inpatient facility. If an outpatient examination is begun by  
22 or through the department, and the department later determines that an inpatient  
23 examination is necessary, the sheriff shall transport the defendant to the inpatient

1 facility designated by the department, unless the defendant has been released on  
2 bail.

3 (END)