

2003 SENATE BILL 131

May 5, 2003 – Introduced by Senators LEIBHAM, COWLES, KANAVAS and ROESSLER, cosponsored by Representatives J. FITZGERALD, LEMAHIEU, SUDER, HINES, ALBERS, LADWIG, OWENS, TOWNSEND, MCCORMICK, OLSEN, SERATTI, KRAWCZYK, BIES, GUNDERSON, OTT, STASKUNAS, STONE, VAN ROY, FRISKE, HUNDERTMARK, HUBER and GROTHMAN. Referred to Committee on Judiciary, Corrections and Privacy.

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. The expert's report is distributed to the court, 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 provides that, upon the request of the sheriff or jailer charged with care and control of a jail in which a defendant is being held pending or during a trial or sentencing proceeding, a copy of the competency examination report regarding the defendant shall be distributed to the sheriff or jailer. The bill also allows the sheriff or jailer to provide a copy of the report to certain other persons involved in the provision of health care to jail inmates.

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:

