

**2003 DRAFTING REQUEST**

**Bill**

Received: **02/28/2003**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Dan Lindstedt**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Correctional System - jails  
Criminal Law - law enforcement  
Criminal Law - procedure**

Extra Copies: **MGD**

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Access to competency examination records

---

**Instructions:**

Redraft 01 AB 578 (LRB-3533/1)

---

**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>
/?	rryan 03/07/2003	kfollett 03/07/2003 kfollett 03/07/2003		_____			S&L
/1			jfrantze	_____	lemery		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			03/10/2003	_____	03/10/2003		
/2	rryan 03/25/2003	kfollett 03/25/2003	pgreensl 03/28/2003	_____	amentkow 03/28/2003	mbarman 04/03/2003	
		kfollett 03/28/2003		_____	mbarman 04/02/2003		

FE Sent For: 04/02/2003, 04/02/2003, 04/02/2003.

<END>

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	03/25/2003	03/25/2003	03/28/2003	_____	03/28/2003		
		kfollett	_____	_____	mbarman		
		03/28/2003	_____	_____	04/02/2003		

re-submitte  
e-mail only

FE Sent For: 04/02/2003.

↳ ("1/2")

<END>

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				_____			

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/1		12 kjf 3/28	jfrantze	08/10/03	lemery		

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1/?	rryan	1/1/03 3/28	3/10 Jb	Jb/RS 3/10			

FE Sent For:

<END>

Wanted by Fri 3/14/03

2001 ASSEMBLY BILL 578

RMNR

PWF

October 17, 2001 - Introduced by Representatives LEIBHAM, KESTELL, MUSSER, STARZYK, LADWIG, SERATTI, GUNDERSON, TOWNSEND, HAHN, SYKORA, OWENS, D. MEYER, LIPPERT, OTT, PETROWSKI and KRAWCZYK, cosponsored by Senators SCHULTZ, ROESSLER, HUELSMAN, MOEN, DARLING, ROSENZWEIG and BAUMGART. Referred to Committee on Judiciary.

Regen

- 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. Upon receiving a copy of the expert's report, the court distributes copies to 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 directs courts to provide a copy of a competency examination report to the sheriff or jailer charged with care and control of the jail in which the defendant is being held pending or during a trial or sentencing proceeding, upon the request of the sheriff or jailer.~~

Insert

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. 971.14 (4) (a) of the statutes is amended to read:

The expert's report is distributed to

**ASSEMBLY BILL 578**

1           971.14 (4) (a) The court shall cause copies of the report to be delivered forthwith  
2 to the district attorney and the defense counsel, or the defendant personally if not  
3 represented by counsel. Upon the request of the sheriff or jailer charged with care  
4 and control of the jail in which the defendant is being held pending or during a trial  
5 or sentencing proceeding, the court shall cause a copy of the report to be delivered  
6 to the sheriff or jailer. The report shall not be otherwise disclosed prior to the hearing  
7 under this subsection.

8

(END)

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

LRB-2181/lins  
RLR:.....

R  
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.

## Ryan, Robin

---

**From:** Lindstedt, Daniel  
**Sent:** March 17, 2003 10:31 PM  
**To:** Ryan, Robin  
**Subject:** Amendment

Robin:

The attached Amendment was added in committee last session. If you could you please redraft this session's LRB-2181/1 to include the amendment attached below and send over to our office. Thank you.

- Dan



AB578-AA1.pdf



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-21814

RLR:kjf/jf

2

In 3/25/03

RMR

2003 BILL

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.

Regen

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.

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. 971.14 (4) (a) of the statutes is amended to read:



Insert to VLRB 2181/2

2001 - 2002 LEGISLATURE

LRBa0979/1  
RLRjld:pg

**ASSEMBLY AMENDMENT 1,  
TO 2001 ASSEMBLY BILL 578**

November 29, 2001 - Offered by JUDICIARY.

INSERT 2-6:

1  
2  
3  
4  
5  
6  
7  
8

At the locations indicated, amend the bill as follows:

1. Page 2, line 6: after "jailer," insert The sheriff or jailer may provide a copy of the report to the person who is responsible for maintaining medical records for inmates of the jail, or to a nurse licensed under ch. 441, or <sup>to</sup> a physician or physician assistant licensed under subch. II of ch. 448 who is a health care provider for the defendant or who is responsible for providing health care services to inmates of the jail.

(END)



**Barman, Mike**

---

**From:** Lindstedt, Daniel  
**Sent:** Wednesday, April 02, 2003 2:28 PM  
**To:** LRB.Legal  
**Subject:** Submitted: LRB 03-2181/2 Topic: Access to competency examination records?  
body=

To be honest, I'm not sure how this works, but I'd like to request a FE for the above LRB. Thank you.

**Daniel K. Lindstedt**  
**Office of State Senator Joseph K. Leibham**  
**(608) 266-2056**

**Mentkowski, Annie**

---

**From:** Lindstedt, Daniel  
**Sent:** Wednesday, April 02, 2003 4:53 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-2181/2 Topic: Access to competency examination records

It has been requested by <Lindstedt, Daniel> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-2181/2 Topic: Access to competency examination records

# Memo

To: Senator  Representative  Leibham

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2003 draft.

LRB Number: LRB -2181

Version: "12"

Fiscal Estimate Prepared By: (agency abbr.) DOC

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 04/17 / 2003

\* \* \* \* \*

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.
- > **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- > **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 SB-131

**Barman, Mike**

---

**From:** Barman, Mike  
**Sent:** Thursday, April 17, 2003 3:04 PM  
**To:** Sen.Leibham  
**Subject:** LRB-2181/2 (FE by DOC - attached - for your review)



FE\_Leibham.pdf

# Memo

To: Senator  Representative  Leibham

(The Draft's Requester)

**Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2003 draft.**

LRB Number: LRB - 2181

Version: " / 2 "

Fiscal Estimate Prepared By: (agency abbr.) DA

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 04 / 02 / 2003

\* \* \* \* \*

To: LRB – Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.
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- > **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 SB-131

**Emery, Lynn**

---

**From:** Emery, Lynn  
**Sent:** Wednesday, April 02, 2003 4:10 PM  
**To:** Sen.Leibham  
**Subject:** LRB-2181/2 (FE by DA - attached - for your review)



FE\_Leibham.pdf

FE\_Leibham.pdf