

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

03hr_SC–JCP_ES_pt00

Hearing Records

03hr_ab0000

03hr_sb0131b

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00



MANITOWOC COUNTY SHERIFF'S DEPARTMENT

1025 South 9th Street
Manitowoc, Wisconsin 54220
Phone (920) 683-4200 ✪ Fax (920) 683-4946



MAY 13 2003

May 12, 2003

Senator Joseph K. Leibham
P O Box 7882
Madison, WI 53707-7882

Dear Senator Leibham,

I have reviewed Senate Bill 131. I do thank you for providing the information and requesting input from those affected.

In this day and age the Sheriff and his staff are expected to know what is going on with each and every inmate in our care and control. We are also required to meet these needs for the well being of each inmate. This bill allows access to known information. Result of this benefits not only the sheriff and staff, but the inmate and possibly the citizens we serve.

We are living in times when it appears nothing is simple or inexpensive. Here we have an action that meets those needs. I see no negatives to this legislation.

Sincerely,

Kenneth J. Petersen, Sheriff
Manitowoc County

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CORRECTIONAL SERVICES

Michael W. Helmke, Sheriff
Gary W. TenHaken, Inspector
John Scholke, Jail Administrator

Phone: (920) 459-1301

FAX: (920) 459-1307

MAY 19 2003

May 15, 2003

Senator Joseph Leibham
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Leibham,

Sheriff Helmke shared with me the letter you sent him regarding Senate Bill 131. He has asked me to provide you some comments and the Sheriff's Department position on this Bill.

As Jail Administrator for Sheboygan County, I see Senate Bill 131 as a potentially useful tool for my corrections and medical staffs. We often have inmates brought back from the two State mental health facilities from competency exams with no medical information. I fully understand the confidential nature of this information, but it severely handicaps my staff from a medical and security standpoint. The Jail nurses need the information to monitor and plan any continued care of the inmate while they are awaiting trial. This time period can often be several months. This information also serves as a guide for my corrections staff to properly house the inmate in a safe environment for him or her, other inmates and the staff.

We fully support Senate Bill 131 and applaud you in your personal efforts to make this a reality. If you are in need of any additional information on this issue, we welcome the opportunity to assist you.

Sincerely,



John Scholke
Captain

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: 6-10
 Moved by: Fitz Seconded by: Zien

AB _____ SB 131 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:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator David Zien	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cathy Stepp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Gary George	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Tim Carpenter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 5 0 _____ _____
H.H.



Joseph K. Leibham

STATE SENATOR

TESTIMONY OF STATE SENATOR JOE LEIBHAM

(Author of Senate Bill 131)

- Tuesday, June 10, 2003 -

Good morning Chairman Zien and Committee members.

As the author of Senate Bill 131 (SB 131), I would like to thank you for your willingness to hear testimony on this bill which seeks to aid the men and women whose duty it is to protect and to serve, providing safety within our communities.

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 file a report on the defendant's mental condition. Upon receiving a copy of the report, the court then distributes copies to the district attorney prosecuting the case and the criminal defendant and/or his or her legal counsel. The report, under current law, may not be otherwise disclosed before a hearing to determine the competency of the defendant.

Last year, the Sheboygan County Sheriff contacted me with concerns regarding current law and the inability of sheriffs and jailers to access the results of the competency exam of those whom they are charged to watch over while in their custody. I was asked to help draft legislation that would allow for access to competency examination reports, upon request, be made available to these men and women in uniform before a hearing. SB 131 is the culmination of that work.

Specifically, the bill before you today would direct courts to provide a copy of a competency examination report to the sheriff or jailer charged with the care and control of the jail in which a defendant is being held pending or during a trial or sentencing proceeding. Access to the competency examination report would ONLY be available upon request by the sheriff or jailers office. Such information would benefit sheriffs, jailers and defendants. Early access to these reports will help sheriffs and jailers to gain a more complete understanding of the criminally charged and better determine the proper care that may be required for individuals based on the results of a competency exam. With this knowledge, sheriffs and jailers would be better equipped to provide protection to both the staff and the criminally charged within a jailing facility.

Simply put, access to the results of competency exams would allow for sheriffs and jailers to more readily assess the needs of criminal defendants within their jails. In knowing the results of these exams, law enforcement officials will be better able to determine and understand the mental state of criminal defendants and whether or not they pose any harm to those around them and most importantly, to themselves.

In closing, I would again like to thank you for scheduling Senate Bill 131 for a public hearing. Last session, I authored an identical draft of SB 131, which passed unanimously out of the Assembly. In that same spirit of support, I am pleased to present letters of from the Sheboygan County Sheriff's Department and the Manitowoc County Sheriff's Department, recognizing the potential benefits of this legislation to their departments, were this bill be passed into law.

Thank you for your time, attention and consideration to this important, commonsense piece of legislation.



Milwaukee Deputy Sheriffs' Association

Safety Building, 821 West State Street, Milwaukee, Wisconsin 53233 • (414) 276-5222 • Fax (414) 276-5295

To: Members of the Senate Judiciary, Corrections and Privacy Committee
From: Jerry Rieder – Milwaukee Deputy Sheriff's Association

The Milwaukee Deputy Sheriff's Association supports the passage of SB 131. We believe that having access to the competency examination reports of defendants in our custody is absolutely necessary for their safety and for ours. Without access to these reports, it is impossible for us to make informed decisions regarding a defendant's potential to harm themselves or be violent to others. In order to adequately protect both the defendants and our officers, we simply must be made aware of their mental state. Suicide is the leading cause of death amongst individuals in custody. The key to interrupting this troubling statistic is to equip those who supervise prisoners with the knowledge to make informed decisions regarding safety.

While we realize that such information is sensitive and therefore requires controlled access, we contend that such documents generally become part of court, and therefore public, record. Furthermore officers of the law are already privy to many types of delicate information about individuals and are trusted to keep this confidence.

The need for this legislation is clear. Officers simply cannot be expected to protect those in their custody without being made aware of their violent or potentially disturbing behaviors. All such information can be obtained by the simple expedient of granting officers with custody access to the defendants' competency examinations; documents to which many other officers of the court have access. Such a move is not only imperative for the safety of law enforcement officials, but also for the defendants themselves. If you have any questions about this issue please contact our lobbyist, Cathleen Huebner at Broydrick & Associates. (608) 255-0566.