

**2009 DRAFTING REQUEST**

**Bill**

Received: **08/05/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Sandy Pasch (608) 266-7671**

By/Representing: **Frederic Ludwig**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Mental Health - detent/commit**  
**Mental Health - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Pasch@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Inmate involuntary mental health commitments

---

**Instructions:**

See attached

---

**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>
/?	chanaman 09/08/2009	kfollett 09/14/2009		_____			State
/1	chanaman 01/05/2010	kfollett 01/05/2010	jfrantze 09/14/2009	_____	sbasford 09/14/2009		State
/2			mduchek 01/05/2010	_____	mbarman 01/05/2010	sbasford 01/19/2010	

FE Sent For: "12" @ intro. 1/22/10

<END>

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1/5

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Inmate involuntary mental health commitments


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See attached

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1?	chanaman	llkf 9/14		9/14			

FE Sent For:

<END>

**Hanaman, Cathlene**

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**From:** Ludwig, Frederic  
**Sent:** Tuesday, August 04, 2009 3:37 PM  
**To:** Hanaman, Cathlene  
**Subject:** re: drafting request

Hi Cathlene,

We would like a bill draft prepared relating to inmate involuntary mental health commitments (primarily those treated at the Wisconsin Resource Center). I'm assuming that you are the correct attorney to send the request to, but please let me know if I should forward it to someone else.

**Intent of Proposed Change**

**Modify s.51.20(1)(ar) to allow mental health commitments to WRC to last one year, when it is determined there is a continuing need for treatment, rather than only 180 days out of each calendar year as required under current law.**

175 25

**Drafting Instructions**

**Delete s.51.20(13)(g)2g. and delete the reference to 51.20(13)(g)2g. in 51.20(13)(g)2m. and 51.20(13)(g)2r.**

Please let me know if you have any questions or need any further clarification!

Thanks,  
Fred

--

Fred Ludwig  
**Office of Representative Sandy Pasch**  
608.266.7671 (Office)  
888.534.0022 (Toll-free)  
608.282.3622 (Fax)

0



1  
/gf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 <sup>g n act</sup> AN ACT ...; relating to: orders to commit state prison inmates to a mental health  
2 facility.

***Analysis by the Legislative Reference Bureau***

Under current law, the procedure to commit a person involuntarily to a mental health facility begins by filing a petition alleging that the person is mentally ill, drug dependent, or developmentally disabled, is a proper subject for treatment, and is dangerous. If these allegations are proven, the person may initially be committed for treatment for a period not to exceed six months, and any consecutive commitment order may not exceed 12 months.

In addition, a procedure to commit an inmate of a jail, house of correction, or prison may begin under an alternative petition, which must allege all of the following: 1) that the inmate is mentally ill, is a proper subject for treatment, and is in need of treatment; 2) that the inmate is informed about his treatment needs; and 3) that less restrictive forms of treatment have been unsuccessful. If these allegations are proven, the inmate may be committed under this alternative petition for not more than 180 days in a 365-day period. (be)

This bill extends to 12 months the period of any order of commitment of an inmate of a prison based on the alternative petition.

For further information see the **state** 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.** 51.20 (13) (g) 1. of the statutes is amended to read:

2           51.20 (13) (g) 1. Except as provided in ~~subd.~~ subds. 2., 2f., and 2g., the first order  
3 of commitment of a subject individual under this section may be for a period not to  
4 exceed 6 months, and all subsequent consecutive orders of commitment of the  
5 individual may be for a period not to exceed one year.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22, 264, 277, 387; 2007 a. 20, 45, 116.

6           **SECTION 2.** 51.20 (13) (g) 2f. of the statutes is created to read:

7           51.20 (13) (g) 2f. Any order of commitment of a subject individual under par.  
8 (a) 4., following proof of the allegations under sub. (1) (ar), may be for a period not  
9 to exceed one year.

10          **SECTION 3.** 51.20 (13) (g) 2g. of the statutes is amended to read:

11          51.20 (13) (g) 2g. ~~The total period a person may be committed pursuant to~~  
12 ~~commitments ordered~~ Any order of commitment of a subject individual under par. (a)  
13 ~~4. or 4m.,~~ following proof of the allegations under sub. (1) (ar) ~~or~~ (av), may not exceed  
14 180 days in any 365-day period.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22, 264, 277, 387; 2007 a. 20, 45, 116.

15          **SECTION 4.** 51.20 (13) (g) 2m. of the statutes is amended to read:

16          51.20 (13) (g) 2m. In addition to the provisions under subds. 1., 2., 2f., and 2g.,  
17 no commitment ordered under par. (a) 4. or 4m. may continue beyond the inmate's  
18 date of release on parole or extended supervision, as determined under s. 302.11 or  
19 302.113, whichever is applicable.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22, 264, 277, 387; 2007 a. 20, 45, 116.

20          **SECTION 5.** 51.20 (13) (g) 2r. of the statutes is amended to read:



**Hanaman, Cathlene**

---

**From:** Gebhart, Neil R - DHS [Neil.Gebhart@dhs.wisconsin.gov]  
**Sent:** Monday, January 04, 2010 3:06 PM  
**To:** Hanaman, Cathlene  
**Cc:** Ludwig, Frederic; Currans-Sheehan, Rachel H - DHS  
**Subject:** RE: Legislation relating to Orders to Commit State Prison Inmates to a Mental Health Facility (LRB - 3243)

Sorry – yes, I meant to suggest repealing 2g, not 2m.

As to repealing the sunsetted provision [51.20(1)(av)], it certainly would seem to make sense to do so. However, since this provision relates to jail inmates, whether to repeal it is primarily a county concern.

---

**From:** Hanaman, Cathlene [mailto:Cathlene.Hanaman@legis.wisconsin.gov]  
**Sent:** Monday, January 04, 2010 2:32 PM  
**To:** Gebhart, Neil R - DHS; Ludwig, Frederic - LEGIS; Currans-Sheehan, Rachel H - DHS  
**Subject:** FW: Legislation relating to Orders to Commit State Prison Inmates to a Mental Health Facility (LRB - 3243)

Neil:

Did you have time to review my question. I know that the Pasch office is eager to see the draft. It's done, but I want to confirm the questions below to save time later.

Thanks,  
Cathlene

---

**From:** Hanaman, Cathlene  
**Sent:** Friday, December 11, 2009 3:51 PM  
**To:** Gebhart, Neil R - DHS  
**Subject:** RE: Legislation relating to Orders to Commit State Prison Inmates to a Mental Health Facility (LRB - 3243)

In 2., should the last sentence be to simply repeal (13) (g) 2g. (instead of 2m.); I followed you until that point. I like that idea--I don't know about you, but I find parts of this statute difficult to read. Repealing parts would help.

Do you want the sunsetted provision repealed? Or do you expect it to see a new dawn one day?

---

**From:** Gebhart, Neil R - DHS [mailto:Neil.Gebhart@dhs.wisconsin.gov]  
**Sent:** Monday, November 30, 2009 2:52 PM  
**To:** Hanaman, Cathlene  
**Cc:** Currans-Sheehan, Rachel H - DHS; Wong, Donna J - DHS; Bartow, Byran D - DHS; Speech, Thomas J - DHS  
**Subject:** Legislation relating to Orders to Commit State Prison Inmates to a Mental Health Facility (LRB - 3243)

DHS has reviewed the current draft of the above legislation (LRB-3243/1), and is requesting that it be redrafted as shown in the attachment to this email. This redraft would make the lengths of state prison inmate commitments subject to the same limitations as civil commitments generally, consistent with the Department's intent. Please note:

1. Section 1 of the draft may no longer be needed, given the revision of the amendment of s. 51.20 (13) (g)

01/04/2010

2g.

2. As amended, 51.20 (13) (g) 2g. would apply only to county jail inmate commitments based on the commitment standard under sub. (1) (av). Yet, per 51.20 (1) (av) 2., that commitment standard sunsetted on July 1, 1990. If 51.20 (13) (g) 2g. is revised as proposed in this legislation, deleting the cross-reference to sub. (1) (ar), there would appear to no longer be any purpose for retaining 51.20 (13) (g) 2g., as the only remaining cross-reference in that provision is to sub. (1) (av), which has sunsetted. Therefore, an alternative to the attached draft would be to simply repeal 51.20 (13) (g) 2m.

Thanks very much, and please let me know if you have any questions.



State of Wisconsin  
2009 - 2010 LEGISLATURE

2  
LRB-3243 ✓  
CMH:kjf:jf

TODAY please

2009 BILL

Refer cat

1 AN ACT *to amend* 51.20 (13) (g) 1., 51.20 (13) (g) 2g., 51.20 (13) (g) 2m. and 51.20  
2 (13) (g) 2r.; and *to create* 51.20 (13) (g) 2f. of the statutes; **relating to:** orders  
3 to commit state prison inmates to a mental health facility.

***Analysis by the Legislative Reference Bureau***

Under current law, the procedure to commit a person involuntarily to a mental health facility begins by filing a petition alleging that the person is mentally ill, drug dependent, or developmentally disabled, is a proper subject for treatment, and is dangerous. If these allegations are proven, the person may initially be committed for treatment for a period not to exceed six months, and any consecutive commitment order may not exceed 12 months.

In addition, a procedure to commit an inmate of a fail, house of correction, or prison may begin under an alternative petition, which must allege all of the following: 1) that the inmate is mentally ill, is a proper subject for treatment, and is in need of treatment; 2) that the inmate is informed about his treatment needs; and 3) that less restrictive forms of treatment have been unsuccessful. If these allegations are proven, the inmate may be committed under this alternative petition for not more than 180 days in a 365-day period.

This bill extends to 12 months the period of any order of commitment of an inmate of a prison based on the alternative petition.

INS  
A

**BILL**

keep  
↓



For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 51.20 (13) (g) 1. of the statutes is amended to read:

~~51.20 (13) (g) 1. Except as provided in subd. subds. 2., 2f., and 2g., the first order of commitment of a subject individual under this section may be for a period not to exceed 6 months, and all subsequent consecutive orders of commitment of the individual may be for a period not to exceed one year.~~

**SECTION 2.** 51.20 (13) (g) 2f. of the statutes is created to read:

~~51.20 (13) (g) 2f. Any order of commitment of a subject individual under par. (a) 4., following proof of the allegations under sub. (1) (ar), may be for a period not to exceed one year.~~

**SECTION 3.** 51.20 (13) (g) 2g. of the statutes is amended to read:

~~51.20 (13) (g) 2g. The total period a person may be committed pursuant to commitments ordered Any order of commitment of a subject individual under par. (a) ~~4. or 4m.~~, following proof of the allegations under sub. (1) ~~(ar) or (av)~~, may not exceed 180 days in any 365-day period.~~

**SECTION 4.** 51.20 (13) (g) 2m. of the statutes is amended to read:

~~51.20 (13) (g) 2m. In addition to the provisions under subds. 1., 2., 2f., and 2g., no commitment ordered under par. (a) 4. or 4m. may continue beyond the inmate's date of release on parole or extended supervision, as determined under s. 302.11 or 302.113, whichever is applicable.~~

**SECTION 5.** 51.20 (13) (g) 2r. of the statutes is amended to read:

**BILL**

1           51.20 (13) (g) 2r. Twenty-one days prior to expiration of the period of  
 2 commitment under subd. 1., 2., 2f., 2g., or 2m., the department, if the individual is  
 3 committed to the department, or the county department to which an individual is  
 4 committed shall file an evaluation of the individual and the recommendation of the  
 5 department or county department regarding the individual's recommitment with the  
 6 committing court and provide a copy of the evaluation and recommendation to the  
 7 individual's counsel and the counsel designated under sub. (4). If the date for filing  
 8 an evaluation and recommendation under this subdivision falls on a Saturday,  
 9 Sunday or legal holiday, the date which is not a Saturday, Sunday or legal holiday  
 10 and which most closely precedes the evaluation and recommendation filing date  
 11 shall be the filing date. A failure of the department or the county department to  
 12 which an individual is committed to file an evaluation and recommendation under  
 13 this subdivision does not affect the jurisdiction of the court over a petition for  
 14 recommitment.

**SECTION 6. Initial applicability.**

15           (1) The treatment of section 51.20 (13) (g) 2f. and 2g. of the statutes first applies  
 16 to a petition filed under section 51.20 (1) of the statutes on the effective date of this  
 17 subsection.  
 18

(END)

142  
3-13

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3243/2ins  
CMH:.....

1           Insert A

          Under this bill, under the alternative petition, an inmate of a prison may initially be committed for treatment for a period not to exceed six months, and any consecutive commitment order may not exceed 12 months.

          Current law also contains a provision describing an alternative petition procedure for committing an inmate of a jail or house of corrections, but this provision does not apply to petitions filed after July 1, 1990. This bill repeals this provision.

2

3

INS 3-15 ✓

4

**SECTION 1.** 51.20 (1) (a) (intro.) of the statutes is amended to read:

5

51.20 (1) (a) (intro.) Except as provided in pars. (ab), (am), and (ar) ~~and (av)~~, ✓

6

every written petition for examination shall allege that all of the following apply to

7

the subject individual to be examined:

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2004 a. 22, 264, 277, 387; 2007 a. 20, 45, 116.

8

**SECTION 2.** 51.20 (1) (av) of the statutes is repealed.

9

**SECTION 3.** 51.20 (11) (a) of the statutes is amended to read:

10

51.20 (11) (a) If before involuntary commitment a jury is demanded by the

11

individual against whom a petition has been filed under sub. (1) or by the individual's

12

counsel if the individual does not object, the court shall direct that a jury of 6 people

13

be selected to determine if the allegations specified in sub. (1) (a), or (ar) ~~or (av)~~ are ✓

14

true. A jury trial is deemed waived unless demanded at least 48 hours in advance

15

of the time set for final hearing, if notice of that time has been previously provided

16

to the subject individual or his or her counsel. If a jury trial demand is filed within

17

5 days of detention, the final hearing shall be held within 14 days of detention. If a

18

jury trial demand is filed later than 5 days after detention, the final hearing shall



1 be held within 14 days of the date of demand. If an inmate of a state prison, county  
 2 jail or house of correction demands a jury trial within 5 days after the probable cause  
 3 hearing, the final hearing shall be held within 28 days of the probable cause hearing.  
 4 If an inmate of a state prison, county jail or house of correction demands a jury trial  
 5 later than 5 days after the probable cause hearing, the final hearing shall be held  
 6 within 28 days of the date of demand.

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22, 264, 277, 387; 2007 a. 20, 45, 116.

7 **SECTION 4.** 51.20 (13) (a) 4m. of the statutes is amended to read:

8 51.20 (13) (a) 4m. If the individual is an inmate of a county jail or house of  
 9 correction and the allegations under sub. (1) (a) ~~or (av)~~ are proven, order commitment  
 10 to the county department under s. 51.42 or 51.437 serving the inmate's county of  
 11 residence or, if the inmate is a nonresident, order commitment to the department.  
 12 The order shall either authorize the transfer of the inmate to a state or county  
 13 treatment facility or, if inpatient care is not needed, authorize treatment on an  
 14 outpatient basis in the jail or house of correction; or

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22, 264, 277, 387; 2007 a. 20, 45, 116.

15 **SECTION 5.** 51.20 (13) (g) 2g. of the statutes is repealed.

16 **SECTION 6.** 51.20 (13) (g) 2m. of the statutes is amended to read:

17 51.20 (13) (g) 2m. In addition to the provisions under subs. 1., and 2. ~~and 2g.~~,  
 18 no commitment ordered under par. (a) 4. or 4m. may continue beyond the inmate's  
 19 date of release on parole or extended supervision, as determined under s. 302.11 or  
 20 302.113, whichever is applicable.

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22, 264, 277, 387; 2007 a. 20, 45, 116.

1           **SECTION 7.** 51.20 (13) (g) 2r. of the statutes is amended to read:

2           **51.20 (13) (g) 2r.** Twenty-one days prior to expiration of the period of  
3 commitment under subd. 1., 2., ~~2g.~~ or 2m., the department, if the individual is  
4 committed to the department, or the county department to which an individual is  
5 committed shall file an evaluation of the individual and the recommendation of the  
6 department or county department regarding the individual's recommitment with the  
7 committing court and provide a copy of the evaluation and recommendation to the  
8 individual's counsel and the counsel designated under sub. (4). If the date for filing  
9 an evaluation and recommendation under this subdivision falls on a Saturday,  
10 Sunday or legal holiday, the date which is not a Saturday, Sunday or legal holiday  
11 and which most closely precedes the evaluation and recommendation filing date  
12 shall be the filing date. A failure of the department or the county department to  
13 which an individual is committed to file an evaluation and recommendation under  
14 this subdivision does not affect the jurisdiction of the court over a petition for  
15 recommitment.

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22, 264, 277, 387; 2007 a. 20, 45, 116.

16           **SECTION 8.** 51.20 (13) (g) 3. of the statutes is amended to read:

17           **51.20 (13) (g) 3.** The county department under s. 51.42 or 51.437 to whom the  
18 individual is committed under par. (a) 3. may discharge the individual at any time,  
19 and shall place a committed individual in accordance with par. (f). Upon application  
20 for extension of a commitment by the department or the county department having  
21 custody of the subject, the court shall proceed under subs. (10) to (13). If the court  
22 determines that the individual is a proper subject for commitment as prescribed in  
23 sub. (1) (a) 1. and evidences the conditions under sub. (1) (a) 2. or (am) or is a proper

1 subject for commitment as prescribed in sub. (1) (ar) ~~or (av)~~<sup>✓</sup>, it shall order judgment  
 2 to that effect and continue the commitment. The burden of proof is upon the county  
 3 department or other person seeking commitment to establish evidence that the  
 4 subject individual is in need of continued commitment.

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22, 264, 277, 387; 2007 a. 20, 45, 116.

5 **SECTION 9. 51.20 (19) (b) 1m. of the statutes is amended to read:**

6 **51.20 (19) (b) 1m.** Establishing standards and procedures for use of and  
 7 periodic review of the use of psychotropic drugs on inmates in a county jail or house  
 8 of correction who are being treated in the jail or house of correction under a  
 9 commitment based on a petition under sub. (1) (a) ~~or (av)~~<sup>✓</sup>.

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22, 264, 277, 387; 2007 a. 20, 45, 116.

10 **SECTION 10. 302.383 (1) of the statutes is repealed.**

11 **SECTION 11. 302.383 (2) (a) 2. of the statutes is repealed.**

12 **SECTION 12. 302.383 (2) (c) of the statutes is repealed.**

**History:** 1987 a. 394; 1989 a. 31 s. 1658; Stats. 1989 s. 302.383.

**Duerst, Christina**

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**From:** Ludwig, Frederic

**Sent:** Friday, January 15, 2010 4:46 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 09-3243/2 Topic: Inmate involuntary mental health commitments

Please Jacket LRB 09-3243/2 for the ASSEMBLY.