

2019 Assembly Bill 633 (LRB -1247)

An Act to amend 51.15 (2) (a) and 51.15 (3); and to create 49.45 (29x) and 51.15 (2) (e) of the statutes; relating to: transport for emergency detention.

2019

12-02.	A.	Introduced by Representatives Born, James, Allen, Anderson, Brooks, Dittrich, Doyle, Edming, Emerson, Felzkowski, Jagler, Katsma, Knodl, Krug, Kulp, Loudenbeck, Magnafici, Milroy, Mursau, Novak, Petryk, Plumer, Rohrkaste, Sanfelippo, Skowronski, Snyder, Spiros, Spreitzer, Stafsholt, Steffen, Subeck, Summerfield, Tittl, Tusler, VanderMeer, Wichgers and Zimmerman; cosponsored by Senators Petrowski, Bewley, Testin, Bernier, Cowles, Marklein, Olsen, Schachtner, Smith and Wanggaard.	409
12-02.	A.	Read first time and referred to Committee on Mental Health	409
12-10.	A.	Public hearing held	
12-17.	A.	Assembly Amendment 1 offered by Representative Born (LRB a0807)	426
12-17.	A.	Executive action taken	
12-26.	A.	Report Assembly Amendment 1 adoption recommended by Committee on Mental Health, Ayes 11, Noes 0	438
12-26.	A.	Report passage as amended recommended by Committee on Mental Health, Ayes 11, Noes 0	438
12-26.	A.	Referred to committee on Rules	438

2020

01-13.	A.	Placed on calendar 1-15-2020 by Committee on Rules	
01-15.	A.	Read a second time	466
01-15.	A.	Assembly Amendment 1 adopted	466
01-15.	A.	Assembly Amendment 2 offered by Representatives Subeck, C. Taylor and Sargent (LRB a0870)	466
01-15.	A.	Assembly Amendment 2 laid on table, Ayes 62, Noes 36	466
01-15.	A.	Ordered to a third reading	467
01-15.	A.	Rules suspended	467
01-15.	A.	Read a third time and passed	467
01-15.	A.	Ordered immediately messaged	467
01-15.	S.	Received from Assembly	578
01-23.	S.	Representative Stubbs added as a coauthor	609
02-13.	S.	Read first time and referred to committee on Senate Organization	673
02-13.	S.	Available for scheduling	
02-14.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 5, Noes 0	678
02-14.	S.	Placed on calendar 2-19-2020 pursuant to Senate Rule 18(1)	679
02-19.	S.	Read a second time	
02-19.	S.	Ordered to a third reading	
02-19.	S.	Rules suspended	
02-19.	S.	Read a third time and concurred in	
02-19.	S.	Ordered immediately messaged	
02-20.	A.	Received from Senate concurred in	

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ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

19 1247, 1

Amendments: None or Listed below.

AA1

Corrections: None or Listed by date below.

Topic: Same as relating clause or Indicated below.

2/24/20

Date

Enrolling Drafter



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1247/1
SWB:ah&kjf

2019 ASSEMBLY BILL 633

December 2, 2019 - Introduced by Representatives BORN, JAMES, ALLEN, ANDERSON, BROOKS, DITTRICH, DOYLE, EDMING, EMERSON, FELZKOWSKI, JAGLER, KATSMA, KNODL, KRUG, KULP, LOUDENBECK, MAGNAFICI, MILROY, MURSAU, NOVAK, PETRYK, PLUMER, ROHRKASTE, SANFELIPPO, SKOWRONSKI, SNYDER, SPIROS, SPREITZER, STAFSHOLT, STEFFEN, SUBECK, SUMMERFIELD, TITTL, TUSLER, VANDERMEER, WICHGERS and ZIMMERMAN, cosponsored by Senators PETROWSKI, BEWLEY, TESTIN, BERNIER, COWLES, MARKLEIN, OLSEN, SCHACHTNER, SMITH and WANGGAARD. Referred to Committee on Mental Health.

- 1 **AN ACT to amend** 51.15 (2) (a) and 51.15 (3); and **to create** 49.45 (29x) and 51.15
2 (2) (e) of the statutes; **relating to:** transport for emergency detention.

Analysis by the Legislative Reference Bureau

This bill clarifies current law regarding transport of individuals for emergency detention, expressly providing that a law enforcement agency may contract with another law enforcement agency, an ambulance service provider, or a third-party vendor to transport an individual for emergency detention if the agency, provider, or vendor agrees to provide the transport. Under current law, certain individuals including a law enforcement officer or a person authorized to take a child into custody under certain circumstances may transport, or cause an individual to be transported, for emergency detention, if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted.

The bill also provides that an individual in custody being transported for emergency detention remains in the custody of the law enforcement officer or other authorized person who placed the individual in custody for purposes of emergency detention, except that if a law enforcement agency contracts with another law enforcement agency to transport an individual for the purposes of emergency detention, custody is transferred to the transporting law enforcement agency. The bill does not change the current law provision that upon arrival at the facility for emergency detention, custody of the individual is then transferred to the facility.

Finally, the bill requires the Department of Health Services to request any federal approval required to provide reimbursement to counties for the costs of

ASSEMBLY BILL 633

transporting for emergency detention recipients under the Medical Assistance program and to provide that reimbursement to counties if federal approval is granted or not required. If federal approval is necessary but not granted, DHS may not provide reimbursement under the Medical Assistance program. Under the bill, if DHS provides reimbursement, a county may obtain reimbursement if the individual transported is a medical assistance recipient and if the transport is provided by a law enforcement agency or an entity that contracts with a law enforcement agency to provide transport for emergency detention.

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

1 **SECTION 1.** 49.45 (29x) of the statutes is created to read:

2 49.45 (**29x**) EMERGENCY DETENTION TRANSPORT REIMBURSEMENT. (a) Subject to
3 par. (b), the department shall provide reimbursement as provided under s. 49.46 (2)

4 (b) 3. to counties for transport of individuals who are recipients of medical assistance
5 for purposes of emergency detention under s. 51.15 (2) as provided under s. 51.15 (2)

6 (e). *CONS A# 1 1.*

7 (b) The department shall request any necessary federal approval required to
8 provide reimbursement under par. (a) and, if approval is granted or if no federal
9 approval is required, the department shall provide reimbursement as provided
10 under par. (a). If federal approval is necessary but not granted, the department may
11 not provide reimbursement under par. (a).

12 **SECTION 2.** 51.15 (2) (a) of the statutes is amended to read:

13 51.15 (**2**) (a) Subject to par. (b), the law enforcement officer or other person
14 authorized to take a child into custody under ch. 48 or to take a juvenile into custody
15 under ch. 938 shall transport the individual, or cause him or her to be transported,
16 for detention, if the county department of community programs in the county in
17 which the individual was taken into custody approves the need for detention, and for
18 evaluation, diagnosis, and treatment if permitted under sub. (8). A law enforcement

ASSEMBLY BILL 633

1 agency may also contract with another law enforcement agency, an ambulance
2 service provider, or a 3rd-party vendor to transport an individual for detention as
3 set forth in this paragraph if the agency, provider, or vendor agrees to provide the
4 transport.

5 **SECTION 3.** 51.15 (2) (e) of the statutes is created to read:

6 51.15 (2) (e) Subject to s. 49.45 (29x), a county may obtain reimbursement
7 through the Medical Assistance program under subch. IV of ch. 49 for transport of
8 an individual for purposes of emergency detention if all of the following are true:

9 1. The individual transported is a medical assistance recipient.

10 2. The transport is provided by a law enforcement agency or an entity that
11 contracts with a law enforcement agency under sub. (2) (a).

12 **SECTION 4.** 51.15 (3) of the statutes is amended to read:

13 51.15 (3) CUSTODY. An individual is in custody when the individual is under
14 the physical control of the law enforcement officer, or other person authorized to take
15 a child into custody under ch. 48 or to take a juvenile into custody under ch. 938, for
16 the purposes of emergency detention. The individual remains in the custody of the
17 law enforcement officer or other person authorized to take a child into custody under
18 ch. 48 or to take a juvenile into custody under ch. 938 for transport for the purposes
19 of emergency detention, except that if a law enforcement agency contracts with
20 another law enforcement agency to transport an individual as described under sub.
21 (2) (a) for the purposes of emergency detention, custody is transferred to the
22 transporting law enforcement agency. Upon arrival at the facility under sub. (2),
23 custody of the individual is transferred to the facility.

24

(END)

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**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 633**

December 16, 2019 - Offered by Representative BORN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 6: after "(e)." insert "The department shall establish criteria
3 that any 3rd-party vendor that is not a law enforcement agency or ambulance service
4 provider must meet in order for the county to obtain reimbursement for transport
5 provided by that 3rd-party vendor under the Medical Assistance program."

6 **2.** Page 3, line 11: after that line insert:

7 "3. If the transport is provided by a 3rd-party vendor that is not a law
8 enforcement agency or an ambulance service provider, the 3rd-party vendor meets
9 criteria established for reimbursement by the department."

10 (END)

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