



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0134/1
TJD:kjf

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 239**

May 18, 2021 - Offered by Senator JACQUE.

- 1 **AN ACT to amend** 51.15 (2) (c) of the statutes; **relating to:** approval of emergency
2 detention after evaluation of certain medical conditions.

Analysis by the Legislative Reference Bureau

This bill specifies that a county department's approval of an emergency detention of an individual must occur after an individual who is in a hospital emergency room is medically cleared for transport. Current law establishes a procedure for emergency detention of an individual who is believed to be mentally ill, drug dependent, or developmentally disabled and who demonstrates a substantial probability of physical harm to himself or herself or others or impairment or injury to himself or herself due to impaired judgment, or inability to satisfy certain basic needs due to mental illness. The applicable county department must approve the need for detention, which the county department may do only if a crisis assessment has been performed by a mental health professional and the mental health professional agrees with the need for the detention and if the county department reasonably believes the individual will not voluntarily consent to evaluation, diagnosis, and treatment. Transportation of the individual to a facility specified in current law for emergency detention occurs only after the county department approves, however, transportation of an individual who is in a hospital's emergency department may not occur until hospital staff who is treating the individual determines that the transfer is medically appropriate and has communicated that determination to the person transporting the individual.

