

State of Wisconsin



1995 Assembly Bill 26

Date of enactment: **August 16, 1995**

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1995 WISCONSIN ACT 43

AN ACT to amend 302.336 (3) (intro.), 302.38 (1), 302.38 (2), 302.38 (4) and 302.38 (5) of the statutes; relating to: medical care for county jail and house of correction prisoners.

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

SECTION 1. 302.336 (3) (intro.) of the statutes is amended to read:

302.336 (3) (intro.) Except as provided in sub. (4) and s. ss. 302.33 (2) and 302.38, a county under sub. (1) is solely responsible for:

SECTION 2. 302.38 (1) of the statutes is amended to read:

302.38 (1) If a prisoner needs medical or hospital care or is intoxicated or incapacitated by alcohol the sheriff, superintendent or other keeper of the jail or house of correction shall provide appropriate care or treatment and may transfer the prisoner to a hospital or to an approved treatment facility under s. 51.45 (2) (b) and (c), making provision for the security of the prisoner. The sheriff, superintendent or other keeper may charge a prisoner for the costs of providing medical care to the prisoner while he or she is in the jail or house of correction. If the sheriff or other keeper maintains a personal money account for an inmate's use for payment for items from canteen, vending or similar services, the sheriff or other keeper may make deductions from the account to pay for the charges under this subsection.

SECTION 2m. 302.38 (2) of the statutes is amended to read:

302.38 (2) The prisoner is liable for the costs of medical and hospital care outside of the jail or house of correction. If the prisoner is unable to pay the costs, the county shall pay the costs in the case of persons held under the state criminal laws or for contempt of court and, except as provided in s. 302.336 (2) and (3) (b), a municipality shall pay the costs in the case of persons held under municipal ordinance by the municipality.

SECTION 3. 302.38 (4) of the statutes is amended to read:

302.38 (4) The governmental unit paying the costs of medical or hospital care under this section, regardless of whether the care is provided in or out of the jail or house of correction, may collect the value of the same from the prisoner or the prisoner's estate ~~as provided for in s. 49.08.~~

SECTION 3m. 302.38 (5) of the statutes is amended to read:

302.38 (5) This section does not require the sheriff, superintendent or keeper of the jail or house of correction to provide or arrange for the provision of appropriate care or treatment if the prisoner refuses appropriate care or treatment.

SECTION 4. Initial applicability.

(1) This act first applies to care provided on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].