



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0958/P1
TJD:amn

DOA:.....McElgunn, BB0127 - Involuntary commitment for inmates

FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

The bill removes the requirement that a licensed physician or psychologist of a state treatment facility sign a statement of the need for treatment for an inmate in a state prison to be involuntarily committed. Current law requires that a petition for involuntary commitment of an inmate of a state prison contain allegations that the inmate is mentally ill, a proper subject for treatment, and in need of treatment; that less restrictive forms of treatment were unsuccessful; and that the inmate has been informed of his or her treatment needs and rights. The petition must also contain, among other things, the inmate's sentence and expected release and signed statements by both a licensed physician or psychologist of a state prison and a licensed physician or psychologist of a state treatment facility attesting that the inmate needs either inpatient treatment at a state treatment facility or outpatient treatment in the prison.

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:

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

51.20 (1) (ar) (intro.) If the individual is an inmate of a state prison, the petition may allege that the inmate is mentally ill, is a proper subject for treatment, and is in need of treatment. The petition shall allege that appropriate less restrictive forms of treatment have been attempted with the individual and have been unsuccessful and it shall include a description of the less restrictive forms of treatment that were attempted. The petition shall also allege that the individual has been fully informed about his or her treatment needs, the mental health services available to him or her, and his or her rights under this chapter and that the individual has had an opportunity to discuss his or her needs, the services available to him or her, and his or her rights with a licensed physician or a licensed psychologist. The petition shall include the inmate's sentence and his or her expected date of release as determined under s. 302.11 or 302.113, whichever is applicable. The petition shall have attached to it a signed statement by a licensed physician or a licensed psychologist of a state prison and a signed statement by a licensed physician or a licensed psychologist of a state treatment facility attesting either of the following:

(END)