

---

# Wisconsin Legislative Council

## AMENDMENT MEMO

---



**Memo published:** February 15, 2024

**Contact:** Kelly McGraw, Staff Attorney

**2023 Assembly Bill 774**

**Assembly Amendments 1, 2 and 3**

### 2023 ASSEMBLY BILL 774

2023 Assembly Bill 774 requires the Department of Corrections (DOC) to authorize an emergency transfer of an individual from a prison, jail, or other criminal detention facility to a state treatment facility or the Wisconsin Resource Center if there is cause to believe that the individual is in active psychosis and exhibits conduct which constitutes a danger of physical harm to himself or herself or to others. Specifically, the correctional custodian of the sending institution and the attending health care professional of the sending institution must jointly execute a statement of emergency detention or petition for emergency commitment for the individual and deliver it to the receiving state treatment facility or the Wisconsin Resource Center. Under the bill, a health care professional means a registered nurse, licensed practical nurse, physician, physician assistant, or psychologist.

### ASSEMBLY AMENDMENT 1

Assembly Amendment 1 additionally requires that the individual remains in active psychosis for more than 72 hours and has not been stabilized to the provision that requires the DOC to authorize an emergency transfer of an individual from a prison, jail, or other criminal detention facility to a state treatment facility or the Wisconsin Resource Center if there is cause to believe that the individual is in active psychosis and exhibits conduct which constitutes a danger of physical harm to himself or herself or to others.

### ASSEMBLY AMENDMENT 2

Assembly Amendment 2 adds to the definition of “health care professional” a person providing psychological services under an exception in current law for an employee of a state or local governmental agency who meets certain requirements.

### ASSEMBLY AMENDMENT 3

Assembly Amendment 3 specifies that the DOC must authorize an emergency transfer of an individual from a prison, and the sheriff or other keeper of a jail or other criminal detention facility must authorize an emergency transfer of an individual from a jail or other criminal detention facility to a state treatment facility or, if the person has been sentenced to prison, the Wisconsin Resource Center.

### BILL HISTORY

Representative Schraa offered Assembly Amendment 1 on January 18, 2024, Assembly Amendment 2 on February 6, 2024, and Assembly Amendment 3 on February 12, 2024. On February 14, 2024, the Assembly Committee on Health, Aging and Long-Term Care voted to recommend adoption of Assembly

Amendment 1, Assembly Amendment 2, Assembly Amendment 3, and passage of the bill, as amended, on votes of Ayes, 15; Noes, 0.

For a full history of the bill, visit the Legislature's [bill history page](#).

KAM:ksm