



1995 ASSEMBLY BILL 26

January 19, 1995 - Introduced by Representatives LADWIG, WARD, GUNDERSON, HANDRICK, DOBYNS, NASS, WALKER, GROTHMAN, SKINDRUD, OWENS, FREESE, POWERS, GOETSCH, KREIBICH, DUFF, ZUKOWSKI, OTT, VRAKAS, JENSEN, BRANCEL, HAHN, MUSSER, KELSO, GARD, PORTER, UNDERHEIM, KLUSMAN, GREEN, AINSWORTH, OLSEN, BRANDEMUEHL, SCHNEIDERS, FOTI, SERATTI, OTTE, HARSDORF, LAZICH, SILBAUGH, URBAN, HUTCHISON, ZIEGELBAUER, WIRCH, PLACHE, RYBA, KRUSICK, REYNOLDS, HOVEN, KAUFERT, JOHNSRUD, LEHMAN, TURNER and OURADA, cosponsored by Senators PETAK, DRZEWIECKI, RUDE, A. LASEE, PANZER, FARROW, DARLING, BUETTNER, ANDREA and COWLES. Referred to Committee on Criminal Justice and Corrections.

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

Analysis by the Legislative Reference Bureau

Under current law, a county jail prisoner is liable for the costs of medical or hospital care provided outside a jail. In addition, a county or other unit of government that pays medical or hospital costs for a county jail prisoner may sue to recover those costs from the prisoner or the prisoner's estate. This bill specifies that this recovery may be for the costs of care provided in or out of the jail. In addition, the bill gives the sheriff the authority to charge the prisoner directly for the costs of medical care provided in a county jail.

For further information see the *local* 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:

- 3 **SECTION 1.** 302.336 (3) (intro.) of the statutes is amended to read:
4 302.336 (3) (intro.) Except as provided in sub. (4) and s. ss. 302.33 (2) and
5 302.38, a county under sub. (1) is solely responsible for:
6 **SECTION 2.** 302.38 (1) of the statutes is amended to read:
7 302.38 (1) If a prisoner needs medical or hospital care or is intoxicated or
8 incapacitated by alcohol the sheriff or other keeper of the jail shall provide

1 appropriate care or treatment and may transfer the prisoner to a hospital or to an
2 approved treatment facility under s. 51.45 (2) (b) and (c), making provision for the
3 security of the prisoner. The sheriff or other keeper may charge a prisoner for the
4 costs of providing medical care to the prisoner while he or she is in the jail.

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

6 302.38 (4) The governmental unit paying the costs of medical or hospital care
7 under this section, regardless of whether the care is provided in or out of the jail, may
8 collect the value of the same from the prisoner or the prisoner's estate as provided
9 for in s. 49.08.

10 **SECTION 4. Initial applicability.**

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

13 (END)