

1 **AN ACT** to amend 51.30 (4) (b) 16. of the statutes; **relating to:** release of additional
2 information to law enforcement under ch. 51.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Special Committee on Placement of Sex Offenders.

Under a provision in the Mental Health Act (ch. 51, stats.), treatment records of an individual may be released without informed written consent under certain specified circumstances. One of these circumstances, set forth in s. 51.30 (4) (b) 16., stats., permits such a release, if authorized by the secretary of the department of health and family services (DHFS), to a law enforcement officer, upon request, if the individual was admitted under ch. 971 (not responsible by reason of mental disease or defect) or 975 (the sex crimes law), stats., or transferred under other specified statutory provisions. That subdivision limits the information that is permitted to be released to certain specified information, including information as to the individual’s whereabouts during any time period. ***Individuals committed under ch. 980 (sexually violent persons) are not included in s. 51.30 (4) (b) 16.*** Thus, this ch. 51 provision treats the disclosure of information related to ch. 980 patients differently from other high-risk mental health patients (i.e., patients who are committed, in part, because of their commission of a crime).

This bill draft revises s. 51.30 (4) (b) 16. to make it apply to individuals ***committed or detained under ch. 971, 975, or 980*** thus permitting a law enforcement officer to obtain the information set forth in that subdivision about ch. 980 commitments, including the individual’s whereabouts during any time period. The bill draft also:

1. Modifies the focus of the current provision on inpatient commitments by substituting “committed or detained” for “admitted”. This change permits DHFS to provide this information relating to patients on supervised release in the community.
2. Deletes the language in this provision that allows DHFS to provide this information only “upon request” of a law enforcement officer.

1 **SECTION 1.** 51.30 (4) (b) 16. of the statutes is amended to read:

2 51.30 (4) (b) 16. If authorized by the secretary or his or her designee, to a law
3 enforcement agency ~~upon request~~ if the individual was ~~admitted~~ committed or detained under
4 ch. 971 ~~or~~ 975, or 980 or transferred under s. 51.35 (3) or 51.37. Information released under
5 this subdivision is limited to the individual's name and other identifying information,
6 including photographs and fingerprints, the branch of the court that committed the individual,
7 the crime that the individual is charged with, found not guilty of by reason of mental disease
8 or defect or convicted of, whether or not the individual is or has been authorized to leave the
9 grounds of the institution and information as to the individual's whereabouts during any time
10 period. In this subdivision "law enforcement agency" has the meaning provided in s. 165.83
11 (1) (b).

12

(END)