2019 SENATE BILL 633

December 19, 2019 – Introduced by Senators JACQUE and BERNIER, cosponsored by Representatives TITTL, BRANDTJEN, DITTRICH, GUNDRUM, HORLACHER and TUSLER. Referred to Committee on Health and Human Services.

1   AN ACT *to amend* 51.15 (5) of the statutes; **relating to:** excluding time for

2   evaluation and treatment of certain medical conditions from the time limit for

3   emergency detention without a hearing.

Analysis by the Legislative Reference Bureau

This bill excludes from the 72-hour time limit that an individual may be detained without a hearing for the purposes of emergency detention any period during which the individual's behavior is not observable that is directly attributable to evaluation or stabilizing treatment of a nonpsychiatric medical condition. Currently, in Milwaukee County, the treatment director of a facility has 24 hours from the time the individual is delivered to the facility to determine whether or not the individual must be detained for purposes of emergency detention. Once the treatment director makes a determination that an individual is being detained, the individual may not be detained for longer than 72 hours. The 24-hour period in which the treatment director must make the determination may be extended by any period that the determination is delayed that is directly attributable to evaluation or stabilizing treatment or nonpsychiatric medical conditions. Currently, in counties other than Milwaukee County, there is no 24-hour period for determination by a treatment director, and the 72-hour period begins when the individual is taken into

custody by law enforcement or another authorized person and continues upon transfer of the individual to the treatment facility.

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

1   SECTION 1. 51.15 (5) of the statutes is amended to read:

2   51.15 **(5)** DETENTION PROCEDURE; OTHER COUNTIES. In counties having a

3   population of less than 750,000, the law enforcement officer or other person

4   authorized to take a child into custody under ch. 48 or to take a juvenile into custody

5   under ch. 938 shall sign a statement of emergency detention that shall provide

6   detailed specific information concerning the recent overt act, attempt, or threat to

7   act or omission on which the belief under sub. (1) is based and the names of persons

8   observing or reporting the recent overt act, attempt, or threat to act or omission. The

9   law enforcement officer or other person is not required to designate in the statement

10   whether the subject individual is mentally ill, developmentally disabled, or drug

11   dependent, but shall allege that he or she has cause to believe that the individual

12   evidences one or more of these conditions. The statement of emergency detention

13   shall be filed by the officer or other person with the detention facility at the time of

14   admission, and with the court immediately thereafter. The filing of the statement

15   has the same effect as a petition for commitment under s. 51.20. When, upon the

16   advice of the treatment staff, the director of a facility specified in sub. (2) (d)

17   determines that the grounds for detention no longer exist, he or she shall discharge

18   the individual detained under this section. Unless a hearing is held under s. 51.20

19   (7) or 55.135, the subject individual may not be detained by the law enforcement

20   officer or other person and the facility for more than a total of 72 hours after the

21   individual is taken into custody for the purposes of emergency detention, exclusive

1   of Saturdays, Sundays, and legal holidays. When calculating the 72 hours for which

2   an individual may be detained under this subsection, any period during which the

3   individual's behavior is not observable that is directly attributable to evaluation or

4   stabilizing treatment of a nonpsychiatric medical condition of the individual is

5   excluded from the calculation.

6   **(END)**