
Wisconsin Legislative Council

AMENDMENT MEMO



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Contact: Kelly McGraw, Staff Attorney

2023 Senate Bill 722

Senate Amendments 1, 2, and 3

2023 SENATE BILL 722

2023 Senate Bill 722 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.

SENATE AMENDMENT 1

Senate 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.

SENATE AMENDMENT 2

Senate 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.

SENATE AMENDMENT 3

Senate 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, to the Wisconsin Resource Center.

BILL HISTORY

Senator Cabral-Guevara offered Senate Amendment 1 on January 16, 2024, Senate Amendment 2 on February 6, 2024, and Senate Amendment 3 on February 14, 2024. On February 8, 2024, the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families voted to recommend

adoption of Senate Amendment 1 and Senate Amendment 2, and passage of the bill, as amended, on votes of Ayes, 5; Noes, 0. On February 20, 2024, the Senate adopted Senate Amendments 1, 2, and 3 and passed the bill, as amended.

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

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