



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4713/P3
JPC:cjs&klm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 51.05 (2) of the statutes; **relating to:** admissions authorized
2 by counties to mental health institutes (suggested as remedial legislation by
3 the Department of Health Services).

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services may not, except in an emergency, accept any Wisconsin resident for admission to a mental health institute unless the county department of community programs or, for persons residing in Milwaukee County, the Milwaukee County Mental Health Board authorizes his or her care in a mental health institute. Certain persons who are committed to DHS, are admitted by DHS to a mental health institute, or are transferred from a juvenile correctional facility or a secured residential care center for children and youth to a state treatment facility or from a jail or prison to a state treatment facility are not subject to the requirement that the county department of community programs or the Milwaukee County Mental Health Board, as applicable, authorize their care in a mental health institute. This bill clarifies that the only requirement that does not apply to these persons is the requirement that the county department of community programs or the Milwaukee County Mental Health Board, as applicable, authorize their care in a mental health institute.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 51.05 (2) of the statutes is amended to read:

2 51.05 (2) ADMISSIONS AUTHORIZED BY COUNTIES. The department may not accept
3 for admission to a mental health institute any resident person, except in an
4 emergency, unless the county department under s. 51.42 in the county where the
5 person has residence authorizes the care under s. 51.42 (3) (as). Patients who are
6 committed to the department under s. 975.01, 1977 stats., or s. 975.02, 1977 stats.,
7 or s. 971.14, 971.17, 975.06, or 980.06, admitted by the department under s. 975.17,
8 1977 stats., or are transferred from a juvenile correctional facility or a secured
9 residential care center for children and youth to a state treatment facility under s.
10 51.35 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are
11 not subject to this ~~section~~ subsection.

NOTE: In general, the Department of Health Services may not admit a person into a state mental health institute unless the relevant county agency authorizes the care. However, certain persons who are judicially committed, voluntarily admitted, or transferred from a juvenile correctional facility, secured residential care center for children and youth, jail, or prison are not subject to that county authorization requirement, which is contained in s. 51.05 (2), stats. In addition, those persons are not subject to various other provisions regarding state mental health institutes, which are contained elsewhere in s. 51.05, stats. This SECTION provides that those persons remain not subject to the county authorization requirement in s. 51.05 (2), stats., but become subject to the other provisions of s. 51.05, stats., as applicable.

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(END)