

State of Wisconsin



2013 Assembly Bill 488

Date of enactment: **April 23, 2014**
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2013 WISCONSIN ACT 340

AN ACT *to renumber and amend* 51.20 (4); *to amend* 51.20 (2) (a), 51.20 (4) (title) and 51.20 (7) (a); and *to create* 51.20 (4) (b) and (c) of the statutes; **relating to:** involuntary commitment proceedings and limited appearance by corporation counsel.

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

SECTION 1. 51.20 (2) (a) of the statutes is amended to read:

51.20 (2) (a) Upon the filing of a petition for examination, the court shall review the petition within 24 hours after the petition is filed, excluding Saturdays, Sundays, and legal holidays, to determine whether an order of detention should be issued. The subject individual shall be detained only if there is cause to believe that the individual is mentally ill, drug dependent or developmentally disabled and the individual is eligible for commitment under sub. (1) (a) or (am) based upon specific recent overt acts, attempts or threats to act or on a pattern of recent acts or omissions made by the individual.

SECTION 2. 51.20 (4) (title) of the statutes is amended to read:

51.20 (4) (title) PUBLIC REPRESENTATION; LIMITED APPEARANCE.

SECTION 3. 51.20 (4) of the statutes is renumbered 51.20 (4) (a) and amended to read:

51.20 (4) (a) Except as provided in ss. 51.42 (3) (ar) 1. and 51.437 (4m) (f) and subject to par. (b), the corporation counsel shall represent the interests of the public in the conduct of all proceedings under this chapter, includ-

ing the drafting of all necessary papers related to the action.

SECTION 4. 51.20 (4) (b) and (c) of the statutes are created to read:

51.20 (4) (b) If corporation counsel does not believe that involuntary commitment under this section is appropriate for the subject individual, corporation counsel shall inform the person seeking the petition under sub. (1) that the person may discontinue pursuing the involuntary commitment or may request that corporation counsel file the petition under sub. (1) under a limited appearance. If the person seeking the petition requests a limited appearance by corporation counsel for the purpose of filing a petition under sub. (1), corporation counsel shall do all of the following:

1. Notify the person seeking the petition of the scope of what corporation counsel will do under the limited appearance.

2. File, in a timely manner, the petition as described in sub. (1), except that the corporation counsel does not need to affirm that the facts in the petition constitute probable cause but may state that the person seeking the petition believes those facts constitute probable cause.

3. Include with the petition, at the time of filing, a certification to the court that corporation counsel is not supporting the petition but is making a limited appearance

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

and that he or she has notified the person seeking the petition of the scope of this limited appearance.

(c) Paragraph (b) does not apply to a petition originating under s. 51.15 (4), (5), or (10).

SECTION 5. 51.20 (7) (a) of the statutes is amended to read:

51.20 (7) (a) After the filing of the petition under sub. (1), if the subject individual is detained under s. 51.15 or

this section the court shall schedule and hold a hearing to determine whether there is probable cause to believe the allegations made under sub. (1) (a) within 72 hours after the individual arrives at the facility, excluding Saturdays, Sundays and legal holidays. At the request of the subject individual or his or her counsel the hearing may be postponed, but in no case may the postponement exceed 7 days from the date of detention.
