



State of Wisconsin
2017 - 2018 LEGISLATURE

January 2017 Special Session

LRBa0140/1
TJD:kjf

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 5**

April 3, 2017 - Offered by Representative NYGREN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 2: delete lines 2 and 3 and substitute "is characterized by a
3 person's use of one or more drugs that is beyond the person's ability to control to the
4 extent that the person's physical health is substantially impaired or his or her social
5 or economic".

6 **2.** Page 9, line 8: after "(b) 4." insert ", (c)".

7 **3.** Page 17, line 3: after that line insert:

8 "(c) Effective and timely notice of the preliminary hearing, together with a copy
9 of the petition and supporting affidavits under par. (a), shall be given to the person
10 unless he or she has been taken into custody under par. (b), the legal guardian if the
11 person is adjudicated incompetent, the person's counsel, corporation counsel in the
12 county in which the petition is filed, and the petitioner. The notice shall include a
13 written statement of the person's right to an attorney, the right to trial by jury, the

1 right to be examined by a physician, and the standard under which he or she may
2 be committed under this section. If the person is taken into custody under par. (b),
3 upon arrival at the approved public treatment facility, the person shall be advised
4 both orally and in writing of the right to counsel, the right to consult with counsel
5 before a request is made to undergo voluntary treatment under sub. (10), the right
6 not to converse with examining physicians, psychologists or other personnel, the fact
7 that anything said to examining physicians, psychologists or other personnel may be
8 used as evidence against him or her at subsequent hearings under this section, the
9 right to refuse medication under s. 51.61 (6), the exact time and place of the
10 preliminary hearing under par. (d), the right to trial by jury, the right to be examined
11 by a physician and of the reasons for detention, and the standards under which he
12 or she may be committed prior to all interviews with physicians, psychologists, or
13 other personnel. Such notice of rights shall be provided to the person's immediate
14 family if they can be located and may be deferred until the person's incapacitated
15 condition, if any, has subsided to the point where the person is capable of
16 understanding the notice. Under no circumstances may interviews with physicians,
17 psychologists, or other personnel be conducted until such notice is given, except that
18 the person may be questioned to determine immediate medical needs. The person
19 may be detained at the facility to which he or she was admitted or, upon notice to the
20 attorney and the court, transferred by the county department to another appropriate
21 public or private treatment facility, until discharged under this subsection. A copy
22 of the petition and all supporting affidavits shall be given to the person at the time
23 notice of rights is given under this paragraph by the superintendent, who shall
24 provide a reasonable opportunity for the patient to consult counsel.”.

25 (END)