

State of Misconsin 2011 - 2012 LEGISLATURE



2011 ASSEMBLY BILL 367

November 9, 2011 – Introduced by Representatives A. OTT, BIES, ENDSLEY, T. LARSON, RIVARD, SPANBAUER and WYNN, cosponsored by Senator LASEE. Referred to Committee on Criminal Justice and Corrections.

1 AN ACT to create 51.15 (7m) of the statutes; relating to: law enforcement

 $\mathbf{2}$

investigation, initiation, and completion of emergency detention.

Analysis by the Legislative Reference Bureau

Under current law, a law enforcement officer or certain other individual may take a person into custody if the officer or other individual has cause to believe that the person is mentally ill, drug dependent, or developmentally disabled and the person shows one of the following: a substantial probability of physical harm to himself or herself; a substantial probability of physical harm to other persons; evidence that others are placed in reasonable fear of violent behavior and serious physical harm; a substantial probability of physical impairment or injury to himself or herself due to impaired judgment; or behavior manifested by a recent act or omission that, due to mental illness or drug dependency, he or she is unable to satisfy basic needs of nourishment, medical care, shelter, or safety without prompt and adequate treatment so that a substantial probability exists that death, serious physical injury, serious physical debilitation, or serious physical disease is imminent without intervention. The law enforcement officer or certain other individual must provide a statement with details of the recent act, attempt, threat, or omission on which the belief that the individual must be taken into custody is based.

This bill allows a law enforcement agency of a jurisdiction in which a person was taken into custody to request the law enforcement agency of the jurisdiction in which the person in custody committed the act, attempt, threat, or omission to investigate the act, attempt, threat, or omission and initiate and complete the emergency detention, if the act, attempt, threat, or omission occurred in a jurisdiction that is

ASSEMBLY BILL 367

different than the one in which the person was taken into custody. The bill also requires the law enforcement agency in the jurisdiction in which the act, attempt, threat, or omission occurred to comply with a request to investigate, initiate, and complete the emergency detention.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 51.15 (7m) of the statutes is created to read:

2 51.15 (7m) LAW ENFORCEMENT INVESTIGATIONS. (a) In this subsection:

3 1. "Jurisdiction" means a location over which a law enforcement agency has
4 territorial jurisdiction.

5 2. "Law enforcement agency" means an entity that employs a peace officer, as
6 defined in s. 939.22 (22).

7 (b) If the act, attempt, threat, or omission under sub. (1) (a) occurred in a 8 jurisdiction in this state other than the jurisdiction in which the individual was 9 taken into custody, the law enforcement agency for the jurisdiction in which the 10 individual was taken into custody may request the law enforcement agency for the 11 jurisdiction in which the act, attempt, threat, or omission occurred to investigate the 12 act, attempt, threat, or omission and initiate and complete the emergency detention 13 procedure under this section.

(c) The law enforcement agency for the jurisdiction in which the act, attempt,
threat, or omission under sub. (1) (a) occurred shall comply without undue delay with
a request under par. (b) to investigate, initiate, and complete the emergency
detention procedure under this section.

18

(END)