

## MEMORANDUM

**TO:** Honorable Members of the Senate Committee on Judiciary and Public Safety

**FROM:** Sarah Diedrick-Kasdorf, Director of Outreach & Member Engagement

**DATE:** January 12, 2022

**SUBJECT:** Opposition to Senate Bill 239

Senate Bill 239 is on the list of items to be acted on tomorrow in executive session by the Senate Committee on Judiciary and Public Safety. When the Wisconsin Counties Association (WCA) last discussed the bill with the committee, we agreed to attempt to work on modifications to the bill to address concerns raised by our counties and others at the public hearing.

Bill stakeholders participated in a meeting, along with the bill authors, to discuss concerns with the bill, along with potential solutions. WCA was tasked with crafting language to share with other stakeholders.

WCA legal counsel, along with corporation counsel from several counties, met on multiple occasions for several hours at a time to try to craft a legislative solution to the issue the bill is attempting to solve. This tasked proved to be much more difficult than anticipated. Reasons for that include:

- The bill is attempting to solve an issue that is an “exception rather than the rule” with regard to emergency detentions. The example often cited is the individual brought to the hospital in a coma that cannot then participate in a psychiatric evaluation. County corporation counsel say this is not a scenario that happens often and therefore would rank low on their list of modifications to Chapter 51.
- Due to the complicated nature of Chapter 51, concern was raised that attempting to craft a fix for an “exception” could create problems elsewhere in the emergency detention process. Several hours of discussion occurred identifying potential statutory language modifications to only then determine the solution raised procedural concerns elsewhere.
- Due to the snowball effect, county corporation counsel prefer to take a broader look at Chapter 51 as opposed to working within the framework of Senate Bill 239. Looking at this issue with a broader brush will take a significant amount of time and discussion with all system stakeholders. The Wisconsin Association of County Corporation Counsel currently has a group working on modifications to Chapter 51.

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At this time, WCA is in the position of having to oppose Senate Bill 239 as drafted. While we remain committed to working on this issue, we cannot complete the work needed to ensure a workable solution to this and other Chapter 51 concerns prior to the end of session.

Please do not hesitate to contact the WCA office if you have any questions.