



2007 ASSEMBLY BILL 278

April 23, 2007 – Introduced by Representatives BERCEAU and GRIGSBY, cosponsored by Senators MILLER and LEHMAN. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to amend* 971.04 (1) (intro.); and *to create* 969.03 (1g) and 971.04 (4) of
2 the statutes; **relating to:** defendant's presence at a pretrial conference in a
3 criminal case.

Analysis by the Legislative Reference Bureau

Under current law, a defendant in a criminal case must be present at specified court proceedings, such as the arraignment and trial, and at any other court proceeding for which the court orders the defendant's presence. In *State v. Dickson*, 53 Wis. 2d 532 (1972), the Wisconsin Supreme Court held that a court may not require a defendant to be present at a pretrial conference in a criminal case. Also under current law, a court may establish the conditions under which a person charged with a felony may be released on bail. The conditions must be reasonably necessary to assure the appearance of the defendant in court or to protect the community. A court may issue a warrant for the arrest of a defendant who fails to appear at a court proceeding for which his or her presence is required or for violation of a condition of release on bail.

This bill codifies the ruling in *Dickson* that a court may not require a defendant in a criminal proceeding to be present at a meeting or conference, the primary purpose of which is to facilitate negotiations between the state and the defendant, regardless of whether the meeting or conference is before the court. The bill further

