

Handwritten note in a circle: "/P2" -> "/P3" cont.

1 SECTION 571. 968.505 of the statutes is renumbered 968.262 (1) and amended
2 to read:

3 968.262 (1) When the grand jury is discharged, the clerk of the grand jury shall
4 collect all transcripts of testimony, minutes of proceedings, exhibits, and other
5 records of the grand jury, and, except as provided in sub. (2), shall deliver them as
6 the jury directs either to the attorney general or to the district attorney, ~~or upon.~~

7 (2) Upon approval of the court, the grand jury may direct its clerk to deliver
8 ~~them~~ grand jury materials collected under sub. (1) to the clerk of the court, who shall
9 impound them subject to ~~the further order or~~ orders of the court.

10 SECTION 572. 968.51 of the statutes is renumbered 968.275 and amended to
11 read:

12 **968.275 Indictment not to be disclosed.** ~~No grand juror or officer of the~~
13 ~~court, if~~ If the court shall so order, shall orders, no grand juror or officer of the court
14 may disclose the fact that any indictment for a felony has been found against that
15 the grand jury has indicted any person not in custody or under recognizance,
16 otherwise than by issuing or executing process on such indictment, until ~~such~~ the
17 person has been arrested.

18 SECTION 573. 968.52 of the statutes is renumbered 968.285 and amended to
19 read:

20 **968.285 Votes not to be disclosed.** ~~No grand juror may be allowed to state~~
21 ~~or testify~~ disclose in any court ~~in what manner~~ how he or she or any other member
22 ~~of the jury~~ grand juror voted ~~or what opinion any grand juror expressed~~ on any
23 question before them, ~~or what opinion was expressed by any juror in relation to the~~
24 question the grand jury.

1 **SECTION 574.** 968.53 of the statutes is renumbered 968.295 and amended to
2 read:

3 **968.295 When testimony may be disclosed.** ~~Members of the grand jury and~~
4 ~~any grand jury reporter may be required by any court~~ Notwithstanding any oath or
5 affirmation required under s. 968.165 or 968.185 (2), any court may require grand
6 jurors and grand jury reporters to testify whether the testimony of a witness
7 examined before the jury is consistent with or different from the evidence given by
8 the witness before the court; ~~and they.~~ Notwithstanding any oath or affirmation
9 required under s. 968.165 or 968.185 (2), the court may also be required require
10 grand jurors and grand jury reporters also to disclose the testimony given before the
11 grand jury by any person upon a complaint against the person for perjury, or upon
12 trial for the offense. ~~Any~~ If the court receives in evidence any transcript of testimony
13 ~~taken before the grand jury and certified by a,~~ the grand jury reporter to have
14 reporter's certification that the transcript has been carefully compared by the
15 reporter with his or her minutes of testimony ~~so taken and to be~~ is a true and correct
16 transcript of all or a specified portion of the transcript, ~~may be received in evidence~~
17 ~~with~~ shall have the same effect as the oral testimony of the reporter to the facts so
18 certified, but the reporter may be cross-examined by any party as to the matter.

19 **SECTION 575.** 968.585 (2) (ag) of the statutes is created to read:

20 968.585 (2) (ag) The subject of the strip search is a detained person.

21 **SECTION 576.** 968.585 (4m) of the statutes is created to read:

22 968.585 (4m) Any evidence obtained by a strip search in violation of sub. (2)
23 or (3) is not admissible as evidence at trial.

24 **SECTION 577.** 968.585 (7) (cm) of the statutes is created to read:

25 968.585 (7) (cm) The person is committed under ch. 980.

1 designed to ~~assure~~ ensure his or her appearance in court, protect members of the
2 community from serious bodily harm, or prevent the intimidation of witnesses. ~~Bail~~
3 ~~may be imposed at or after the initial appearance only upon a finding by the court~~
4 ~~that there is a reasonable basis to believe that bail is necessary to assure appearance~~
5 ~~in court. In determining whether any conditions of release are appropriate, the judge~~
6 ~~shall first consider the likelihood of the defendant appearing for trial if released on~~
7 ~~his or her own recognizance.~~

8 **SECTION 588.** 969.01 (2) (title) of the statutes is repealed.

9 **SECTION 589.** 969.01 (2) (a) of the statutes is renumbered 969.31 (2) and
10 amended to read:

11 969.31 (2) AFTER CONVICTION. ~~Release pursuant to s. 969.02 or 969.03 may be~~
12 ~~allowed in the discretion of~~ In its discretion the trial court may allow release on
13 conditions after conviction and prior to sentencing ~~or the granting of probation.~~ This
14 paragraph does not apply to a conviction for a 3rd or subsequent violation that is
15 counted as a suspension, revocation, or conviction under s. 343.307, or under s.
16 940.09 (1) or 940.25 in the person's lifetime, or a combination thereof.

17 **SECTION 590.** 969.01 (2) (b) and (c) of the statutes are consolidated, renumbered
18 974.09 (1) (a) and amended to read:

19 974.09 (1) (a) In misdemeanors, ~~release may be allowed upon appeal in the~~
20 ~~discretion of the trial court.~~ (c) In and felonies, release may be allowed upon appeal
21 in the discretion of the ~~trial court~~ pursuant to ss. 809.31, 969.32, 969.33, 969.37,
22 969.38, 969.39, 969.40, 969.41, and 969.42.

23 **SECTION 591.** 969.01 (2) (d) of the statutes is renumbered 974.09 (1) (b) and
24 amended to read:

1 974.09 (1) (b) The supreme court or a justice thereof or the court of appeals or
2 a judge thereof may allow release ~~after conviction~~ pending appeal.

3 **SECTION 592.** 969.01 (2) (e) of the statutes is renumbered 974.09 (1) (c).

4 **SECTION 593.** 969.01 (3) of the statutes is renumbered 969.52 and amended to
5 read:

6 **969.52 ~~Bail for witness~~ Arrest of a witness and release on bond.** If A
7 judge may issue a warrant for the arrest of a person who is not in court, other than
8 the defendant, if it appears by ~~from an affidavit or examination under oath~~ that there
9 is probable cause to believe that the person's testimony of a person is material in any
10 felony a criminal proceeding and that it may become impracticable to secure the
11 person's presence by subpoena, the judge may require such person to give bail for.
12 Upon return of the warrant, the court may set conditions of release to secure the
13 person's appearance as a witness. If the witness is not in court, a warrant for the
14 person's arrest may be issued and upon return thereof the court may require the
15 person to give bail as provided in s. 969.03 for the person's appearance as a witness.
16 If the person fails to give bail, the person may be committed ~~satisfy the conditions~~
17 of release, the court may commit the person to the custody of the sheriff for a period
18 not to exceed 15 days, within which time the person's deposition shall be taken as
19 provided in, upon notice to the parties under s. 967.04 ~~967.21.~~ After the deposition
20 has been subscribed, the court shall discharge the witness.

21 **SECTION 594.** 969.01 (4) of the statutes is renumbered 969.33 (1) (intro.) and
22 amended to read:

23 **969.33 (1) CONSIDERATIONS IN SETTING CONDITIONS OF RELEASE.** (intro.) ~~If bail is~~
24 ~~imposed, it shall be only in the amount found necessary to assure the appearance of~~
25 ~~the defendant. Conditions of release, other than monetary conditions, may be~~

1 ~~imposed for the purpose of protecting members of the community from serious bodily~~
2 ~~harm or preventing intimidation of witnesses. Proper considerations in In~~
3 ~~determining whether to release the defendant without bail, monetary conditions, in~~
4 ~~fixing monetary conditions in a reasonable amount of bail or, or in imposing other~~
5 ~~reasonable conditions of release are: the, the court, judge, or justice may consider,~~
6 without limitation, any of the following:

7 (a) The ability of the arrested person to give bail, ~~the.~~

8 (b) The nature, number, and gravity of the alleged offenses and the potential
9 penalty the defendant faces, ~~whether.~~

10 (c) Whether the alleged acts were violent in nature, ~~the.~~

11 (d) The defendant's prior record of criminal convictions and delinquency
12 adjudications criminal record, if any, ~~the.~~

13 (e) The character, health, residence, and reputation of the defendant, ~~the.~~

14 (f) The character and strength of the evidence which has been presented to the
15 judge, ~~whether.~~

16 (g) Whether the defendant is currently on probation, extended supervision or
17 parole, ~~whether.~~

18 (h) Whether the defendant is already ~~on bail or~~ subject to other release
19 conditions in other pending cases, ~~whether the defendant has been bound over for~~
20 ~~trial after a preliminary examination, whether.~~

21 (i) Whether the defendant has in the past forfeited bail bond or violated a
22 condition of release or was a fugitive from justice at the time of arrest, ~~and the.~~

23 (j) The policy against unnecessary detention of ~~the defendant's~~ a defendant
24 pending trial.

1 **SECTION 595.** 969.02 (title), (1), (2), (3) (a), (b), (c) and (d), (4), (4m), (5), (7), (7m)
2 and (8) of the statutes are repealed.

3 **SECTION 596.** 969.02 (2m) of the statutes is renumbered 969.33 (8) and
4 amended to read:

5 969.33 (8) CREDIT CARDS ACCEPTED. ~~The~~ If the court imposes monetary
6 conditions of release under this section, the clerk of circuit court may accept, instead
7 of cash, a credit card or debit card, as defined in s. 59.40 (5) (a) and 1. and 2., ~~instead~~
8 ~~of cash under sub. (2).~~

****NOTE: This treatment is based on 2. under additional amendments in your
redrafting instructions.

9 **SECTION 597.** 969.02 (3) (e) of the statutes, as created by 2011 Wisconsin Act
10 266, is renumbered 969.33 (5) (g) and amended to read:

11 969.33 (5) (g) If the ~~person~~ defendant is charged with violating a restraining
12 order or injunction issued under s. 813.12 or 813.125, ~~may require the person~~
13 ~~requiring the defendant~~ to participate in mental health treatment, a batterer's
14 intervention program, or individual counseling. The ~~judge~~ court shall consider a
15 request by the district attorney or the petitioner, as defined in s. 301.49 (1) (c), in
16 determining whether to issue an order under this paragraph.

17 **SECTION 598.** 969.02 (6) of the statutes is renumbered 969.38 (1) (a) and
18 amended to read:

19 969.38 (1) (a) When ~~a~~ the court enters a judgment of conviction is entered in
20 ~~a prosecution for a fine or costs or both in a case in which a cash deposit had been~~
21 ~~made in accordance with sub. (2), on a secured appearance bond, the court shall apply~~
22 ~~the balance of such~~ the deposit, after deduction of deducting the bond costs, shall be
23 ~~applied first~~ to the payment of any restitution ordered under s. 973.20 and then, if

1 ordered restitution is satisfied in full, to the payment of the judgment. The court
2 shall then return any remaining balance of the deposit to the person who made the
3 deposit.

***NOTE: This treatment is based on 2. under additional amendments in your redrafting instructions.

4 **SECTION 599.** 969.03 of the statutes is repealed.

5 **SECTION 600.** 969.035 of the statutes is renumbered 969.43, and 969.43 (4), (5),
6 (7), (8) and (10), as renumbered, are amended to read:

7 969.43 (4) If the court determines that the district attorney has complied with
8 sub. (3), the court may order that the detention of a person who is currently in custody
9 be continued or may issue a warrant commanding any law enforcement officer to
10 bring the defendant without unnecessary delay before the court. When the
11 defendant is brought before the court, he or she shall be given a copy of the documents
12 specified in sub. (3) and informed of his or her rights under this section and s. 970.02
13 ~~(1) and (6)~~ 971.027.

14 (5) A pretrial detention hearing is a hearing before a court for the purpose of
15 determining if the continued detention of the defendant is justified. A pretrial
16 detention hearing may be held in conjunction with a ~~preliminary examination under~~
17 ~~s. 970.03 or a~~ conditional release revocation hearing under s. ~~969.08 (5) (b)~~ 969.51
18 (1), but separate findings shall be made by the court relating to the pretrial
19 detention, ~~preliminary examination~~ and conditional release revocation. The pretrial
20 detention hearing shall be commenced within 10 days from the date the defendant
21 is detained or brought before the court under sub. (4). The defendant may not be
22 denied release from custody ~~in accordance with s. 969.03~~ for more than 10 days prior
23 to the hearing required by this subsection.

1 (7) If the court does not make the findings under sub. (6) (a) and (b) and the
2 defendant is otherwise eligible, the defendant shall be released from custody with or
3 without conditions in accordance with ~~s. 969.03~~ ss. 969.31 to 969.33.

4 (8) If the court makes the findings under sub. (6) (a) and (b), the court may deny
5 bail to the defendant for an additional period not to exceed 60 days following the
6 hearing. If the time period passes and the defendant is otherwise eligible, he or she
7 shall be released from custody with or without conditions in accordance with s. ~~s.~~
8 ~~969.03~~ ss. 969.31 to 969.33.

9 (10) The defendant may petition the court to be released from custody with or
10 without conditions in accordance with ~~s. 969.03~~ ss. 969.31 to 969.33 at any time.

11 **SECTION 601.** 969.04 of the statutes is renumbered 969.40 and amended to
12 read:

13 **969.40 Surety may satisfy default.** ~~Any~~ If a defendant fails to comply with
14 the conditions of his or her bond, any surety may, after default, pay to the clerk of the
15 court the amount for which the surety was bound, or such lesser sum as the court,
16 after notice and hearing, may direct, and thereupon be discharged.

17 **SECTION 602.** 969.05 of the statutes is repealed.

18 **SECTION 603.** 969.065 of the statutes is renumbered 969.34 and amended to
19 read:

20 **969.34 Judicial conference; bail alternatives Bail schedule.** The judicial
21 conference shall develop guidelines, which the supreme court shall adopt by rule, for
22 ~~cash bail for releasing on bond~~ persons accused of misdemeanors which the supreme
23 ~~court shall adopt by rule.~~ The guidelines shall relate primarily to individuals. ~~The~~
24 ~~guidelines and~~ may be revised from time to time under this section.

1 **SECTION 604.** 969.07 of the statutes is renumbered 969.36 and amended to
2 read:

3 **969.36 Taking of bail cash deposit by law enforcement officer.** When
4 ~~bail has~~ monetary conditions of release have been set before the initial appearance
5 for a particular defendant, any law enforcement officer may take ~~bail in accordance~~
6 ~~with s. 969.02~~ a cash deposit and release the defendant to appear at a specified time
7 and place in accordance with the conditions ~~of the appearance~~ stated in the bond.
8 ~~Bail shall not be required of a defendant who has been cited for commission of a~~
9 ~~misdemeanor in accordance with s. 968.085.~~ The law enforcement officer shall give
10 a receipt to the defendant for the ~~bail so taken~~ deposit and within a reasonable time
11 ~~deposit the bail it~~ with the clerk of the court ~~before whom~~ where the defendant is to
12 appear. ~~Bail taken by a law enforcement officer may be taken~~ A law enforcement
13 officer may take a cash deposit only at a sheriff's office or police station. ~~The receipts~~
14 ~~shall be numbered serially and shall be in triplicate, one copy for the defendant, one~~
15 ~~copy to be filed with the clerk and one copy to be filed with the police or sheriff's~~
16 ~~department which takes the bail.~~ This section does not require the release of a
17 defendant from custody when an officer is of the opinion that the defendant is not in
18 a fit condition to care for his or her own safety or would constitute, because of his or
19 her physical condition, a danger to the safety of others. If a defendant is not released
20 under this section, s. ~~970.01~~ 971.015 (1) shall apply.

21 **SECTION 605.** 969.08 (title) of the statutes is renumbered 969.51 (title) and
22 amended to read:

23 **969.51 (title) ~~Grant, reduction, increase or revocation~~ Revocations of**
24 **conditions of defendant's release.**

25 **SECTION 606.** 969.08 (1), (2), (3) and (4) of the statutes are repealed.

1 **SECTION 607.** 969.08 (5) (a) of the statutes is renumbered 969.51 (1) (a).

2 **SECTION 608.** 969.08 (5) (b) 1. of the statutes is renumbered 969.51 (1) (b) 1. and
3 amended to read:

4 969.51 (1) (b) 1. If the court determines that the state has complied with par.
5 (a), the court may issue a warrant commanding any law enforcement officer to bring
6 the defendant without unnecessary delay before the court. When the defendant is
7 brought before the court, he or she shall be given a copy of the documents specified
8 in par. (a) and informed of his or her rights under s. ~~970.02(1) and (6)~~ 971.027. The
9 court may hold the defendant in custody and suspend the previously imposed
10 conditions of release pending a hearing on the alleged breach. ~~The hearing under~~
11 ~~this paragraph and the preliminary examination under s. 970.03, if required, shall~~
12 ~~be a combined hearing, with the court making the separate findings required under~~
13 ~~this paragraph and s. 970.03 at the conclusion of the combined hearing.~~ The hearing
14 shall be commenced within 7 days from the date the defendant is taken into custody.
15 The defendant may not be held without setting conditions of release for more than
16 7 days unless a hearing is held and the findings required by this paragraph are
17 established.

18 **SECTION 609.** 969.08 (5) (b) 2. of the statutes is renumbered 969.51 (1) (b) 2.

19 **SECTION 610.** 969.08 (5) (b) 3. of the statutes is renumbered 969.51 (1) (b) 3. and
20 amended to read:

21 969.51 (1) (b) 3. Upon a finding by the court that the state has established by
22 clear and convincing evidence that the defendant has committed a serious crime
23 while on conditional release, the court may revoke the release of the defendant and
24 hold the defendant for trial without setting conditions of release. No reference may
25 be made during the trial of the offense to the court's finding in the hearing. No

SECTION 610

1 reference may be made in the trial to any testimony of the defendant at the hearing,
2 except if the testimony is used for impeachment purposes. If the court does not find
3 that the state has established by clear and convincing evidence that the defendant
4 has committed a serious crime while on conditional release, the defendant shall be
5 released on ~~bail or other~~ conditions deemed appropriate by the court.

6 **SECTION 611.** 969.08 (5) (b) 4. of the statutes is renumbered 969.51 (1) (b) 4. and
7 amended to read:

8 969.51 (1) (b) 4. If the release of any defendant is revoked under subd. 3., the
9 defendant may demand and shall be entitled to be brought to trial on the offense with
10 respect to which he or she was formerly released on conditions within 60 days after
11 the date on which he or she appeared before the court under subd. 1. If the defendant
12 is not brought to trial within the 60-day period he or she shall not be held longer
13 without setting conditions of release and shall be released on ~~bail or other~~ conditions
14 deemed appropriate by the court. In computing the 60-day period, the court shall
15 omit any period of delay if the court finds that the delay results from a continuance
16 granted at the exclusive request of the defendant.

17 **SECTION 612.** 969.08 (5) (b) 5. of the statutes is renumbered 969.51 (1) (b) 5.

18 **SECTION 613.** 969.08 (6) of the statutes is renumbered 969.51 (2).

19 **SECTION 614.** 969.08 (7) of the statutes is renumbered 969.51 (3) and amended
20 to read:

21 969.51 (3) If a person is charged with the commission of a serious crime in a
22 county other than the county in which the person was released on conditions, the
23 district attorney and court may proceed under sub. ~~(6)~~ (1) and certify the findings to
24 the circuit court for the county in which the person was released on conditions. That

1 ~~ircuit~~ court shall make the release revocation decision based on the certified
2 findings.

3 **SECTION 615.** 969.08 (8) of the statutes is renumbered 969.51 (4) and amended
4 to read:

5 969.51 (4) Information stated in, or offered in connection with, any order
6 entered under this chapter setting ~~bail or other~~ conditions of release need not
7 conform to the rules of evidence, except as provided under sub. ~~(5)~~ (1) (b) 2. or s.
8 901.05.

9 **SECTION 616.** 969.08 (9) of the statutes is renumbered 969.51 (5).

10 **SECTION 617.** 969.08 (9m) of the statutes is renumbered 969.51 (6) and
11 amended to read:

12 969.51 (6) A person who has had ~~bail~~ bond revoked under this section is entitled
13 to placement of his or her case on an expedited trial calendar and his or her trial shall
14 be given priority.

15 **SECTION 618.** 969.08 (10) of the statutes is renumbered 969.51 (7).

16 **SECTION 619.** 969.09 (title), (1) and (3) of the statutes are repealed.

17 **SECTION 620.** 969.09 (2) of the statutes is renumbered 974.09 (2) and amended
18 to read:

19 974.09 (2) If the defendant is ~~admitted to bail upon~~ released on conditions
20 pending appeal, the conditions of the bond shall be that the defendant will duly
21 prosecute the defendant's appeal, that the defendant will appear at ~~such~~ the time
22 and place as that the court directs, and that, if the judgment is affirmed or reversed
23 and remanded for a new trial or further proceedings upon notice after remittitur, the
24 defendant will surrender to the sheriff of the county in which the defendant was
25 tried.

1 **SECTION 621.** 969.10 of the statutes is amended to read:

2 **969.10 Notice of change of address.** A person who has been released on bail
3 ~~or other~~ conditions shall give written notice to the clerk of any change in his or her
4 address within 48 hours after the change. This requirement shall be printed on all
5 bonds.

6 **SECTION 622.** 969.11 of the statutes is renumbered 969.35 and amended to
7 read:

8 **969.35 Release upon arrest in another county.** (1) If the defendant is
9 arrested in a county other than the county in which the offense ~~was committed~~ may
10 be tried under s. 970.14, he or she shall, without unreasonable delay, ~~either be~~
11 ~~brought before a judge of the county in which arrested~~ and for the purpose of setting
12 ~~bail or other~~ conditions of release, be brought before a judge of either the county
13 where he or she was arrested or ~~be returned to the county in which~~ where the offense
14 ~~was committed.~~ The may be tried under s. 970.14. If the defendant is brought before
15 a judge in the county where he or she was arrested, the judge shall release him or
16 her on conditions imposed in accordance with this chapter to appear before a court
17 in the county in which the offense was committed at a specified time and place.

18 (2) ~~If the defendant is released on bail or other conditions pursuant to a judge~~
19 ~~of a county other than the county where the offense may be tried under s. 970.14~~
20 ~~released the defendant under~~ sub. (1), the judge shall make a record of the
21 proceedings ~~and~~, shall certify his or her minutes ~~thereof~~ of the proceedings, and shall
22 forward the bond ~~and bail~~ to the court before whom the defendant is bound to appear.

23 **SECTION 623.** 969.12 of the statutes is renumbered 969.39.

24 **SECTION 624.** 969.13 of the statutes is repealed.

25 **SECTION 625.** 969.14 of the statutes is repealed.

1 **SECTION 629.** 969.20 (2) of the statutes is created to read:

2 **969.20 (2) WARRANT WITHOUT A CRIMINAL COMPLAINT.** Upon the request of the
3 district attorney and subject to sub. (8), a judge may issue an arrest warrant without
4 a criminal complaint if the judge determines, based on an affidavit filed with the
5 court or an examination under oath of a person, that there is probable cause to
6 believe that an offense has been committed and that the person named in the
7 warrant has committed it.

8 **SECTION 630.** 969.20 (6) of the statutes is created to read:

9 **969.20 (6) CONDITIONS OF RELEASE ON WARRANT.** A judge issuing a warrant may
10 specify conditions of release.

11 **SECTION 631.** 969.20 (7) (title) of the statutes is created to read:

12 **969.20 (7) (title) SUMMONS IN LIEU OF WARRANT.**

13 **SECTION 632.** 969.21 (title) of the statutes is created to read:

14 **969.21 (title) Arrest warrants.**

15 **SECTION 633.** 969.24 (2m) of the statutes is created to read:

16 **969.24 (2m) RELEASE AFTER CITATION.** A law enforcement officer citing a person
17 for a misdemeanor shall release the person without a cash bond unless any of the
18 following apply:

19 (a) The accused has not given proper identification.

20 (b) The accused is not willing to sign the citation.

21 (c) The accused appears to represent a danger of harm to himself or herself,
22 another person or property.

23 (d) The accused cannot show sufficient evidence of ties to the community.

24 (e) The accused has previously failed to appear in response to a citation,
25 subpoena, summons, or order of the court.

1 (f) Arrest or further detention appears necessary to carry out legitimate
2 investigative action in accordance with law enforcement agency policies.

3 **SECTION 634.** 969.25 of the statutes is created to read:

4 **969.25 Release on bond by district attorney.** (1) (a) Except as provided
5 in s. 969.24, upon consent of the district attorney, an individual who has been
6 arrested and taken into custody may be released before the initial appearance upon
7 signing a bond, obligating the individual to appear in court for an initial appearance
8 at a time and place specified in the bond and to comply with any other specified
9 conditions required by the district attorney under sub. (2).

10 (b) In determining whether to consent to release on bond, the district attorney
11 may consider whether any of the following applies:

- 12 1. The defendant has provided proper identification.
- 13 2. The defendant is willing to comply with the conditions of the bond.
- 14 3. The defendant appears to pose a danger to himself or herself, another person,
15 or property.
- 16 4. The defendant can show sufficient evidence of ties to the community.
- 17 5. The defendant has previously failed to appear in response to a citation,
18 subpoena, summons, or order of court.
- 19 6. Further detention appears necessary to carry out legitimate investigative
20 activities.

21 (2) The district attorney may not impose monetary conditions of release under
22 this section. If he or she releases a defendant under this section, the district attorney
23 shall impose the conditions mandated by ss. 969.33 and 969.27 (6) and may also
24 impose any of the following conditions:

1 (a) The defendant shall report any change of address within 48 hours to the
2 district attorney.

3 (b) The defendant shall appear at specified times and places for investigative
4 purposes.

5 (c) The defendant may not contact, directly or indirectly, specified persons.

6 (d) The defendant may not possess any dangerous weapon.

7 (e) The defendant may not consume any alcoholic beverage.

8 (f) The defendant may not go to designated geographical areas or premises.

9 (g) The defendant shall submit to supervision by a qualified person or
10 organization agreeing to supervise the defendant.

11 (h) Any other reasonable, nonmonetary condition.

12 **(3)** Any bond executed under this section shall include all of the following:

13 (a) The conditions of release.

14 (b) Notice that the violation of any condition of release is punishable under s.
15 946.49.

16 (c) Notice that the defendant is entitled to the assistance of counsel and
17 instructions for obtaining such assistance if he or she is indigent.

18 (d) Notice that the defendant may move the court to modify the conditions of
19 release.

20 **(4)** Conditions of release under this section expire upon the initial appearance
21 unless continued by the judge. Signing a bond under this section does not preclude
22 the individual from seeking judicial relief from its terms.

23 **(5)** A defendant shall be given a copy of the bond.

24 **SECTION 635.** 969.26 (title) of the statutes is created to read:

25 **969.26 (title) Forms.**

1 (4) “Secured appearance bond” means a bond with monetary conditions of
2 release that require the depositing of cash or the pledging of property as security.
3 The court may order that the bond be secured by the defendant or by a surety.

4 (5) “Serious bodily harm” means bodily injury that causes or contributes to the
5 death of a human being; bodily injury that creates a substantial risk of death; bodily
6 injury that causes serious permanent disfigurement; bodily injury that causes a
7 permanent or protracted loss or impairment of the function of any bodily member or
8 organ; or other serious bodily injury.

9 (6) “Surety” means a person who guarantees payment of the amount specified
10 in a monetary condition of release if the defendant does not appear in court as
11 required.

12 (7) “Unsecured appearance bond” means a bond with monetary conditions of
13 release that do not require the depositing of cash or the pledging of property as
14 security.

15 **SECTION 639.** 969.31 (3) of the statutes is created to read:

16 969.31 (3) AFTER SENTENCING. After sentencing and before service of the
17 sentence begins, the trial court may continue the conditions of release or impose new
18 conditions of release.

19 **SECTION 640.** 969.31 (4) of the statutes is created to read:

20 969.31 (4) PENDING APPEAL. Release after sentencing, pending appeal, is
21 governed by ss. 809.31 and 974.08.

22 **SECTION 641.** 969.32 of the statutes is created to read:

23 **969.32 Types of release.** In any case where release is allowed, the court shall
24 do one of the following:

25 (1) Release the defendant to return on a date certain, without conditions.

1 (2) Release the defendant on a personal recognizance bond.

2 (3) Release the defendant on an unsecured appearance bond.

3 (4) Release the defendant on a secured appearance bond.

4 **SECTION 642.** 969.33 (title) of the statutes is created to read:

5 **969.33 (title) Conditions of release.**

6 **SECTION 643.** 969.33 (2) of the statutes is created to read:

7 969.33 (2) RULES OF EVIDENCE DO NOT APPLY. Information stated in or offered in
8 connection with any order entered under this chapter setting conditions of release
9 need not conform to the rules of evidence, except as provided under s. 901.05 or
10 969.51.

11 **SECTION 644.** 969.33 (3) of the statutes is created to read:

12 969.33 (3) MONETARY CONDITIONS. The court may impose monetary conditions
13 of release only if it finds that there is a reasonable basis to believe that they are
14 necessary to ensure the defendant's appearance in court. In a misdemeanor case the
15 amount of money specified in a monetary condition of release may not exceed the
16 maximum fine provided for the crime charged.

17 **SECTION 645.** 969.33 (4) of the statutes is created to read:

18 969.33 (4) MANDATORY CONDITIONS. The following conditions shall be imposed
19 as terms of any bond under s. 969.32 (2) to (4) and shall be printed on the bond:

20 (a) The defendant shall appear in the court having jurisdiction on a day certain
21 and thereafter as ordered until discharged on final order of the court and shall
22 submit to the orders and process of the court.

23 (b) The defendant shall give written notice to the clerk of any change in his or
24 her address within 48 hours after the change.

25 (c) The defendant may not commit any crime.

1 (d) The defendant shall not violate, cause any person to violate, or permit any
2 person to violate on the defendant's behalf ss. 940.22 to 940.45.

3 **SECTION 646.** 969.33 (5) to (7) of the statutes are created to read:

4 **969.33 (5) OTHER CONDITIONS.** Whenever a defendant is released on bond under
5 s. 969.32 (2) to (4), the court may impose reasonable conditions other than those
6 required under sub. (4), including conditions doing any of the following:

7 (a) Prohibiting the defendant from contacting, directly or indirectly, specified
8 persons or going to specified places.

9 (b) Prohibiting the defendant from possessing any dangerous weapon.

10 (c) Prohibiting the defendant from consuming alcohol beverages.

11 (d) Restricting the travel, association, or place of residence of the defendant.

12 (e) Requiring that the defendant return to custody after specified hours. The
13 charges authorized by s. 303.08 (4) and (5) do not apply under this paragraph.

14 (f) Placing the defendant under the supervision of a designated person or
15 organization agreeing to supervise the defendant.

16 **(6) COPY OF BOND TO DEFENDANT.** The court shall provide the defendant a copy
17 of his or her bond.

18 **(7) MODIFYING CONDITIONS OF RELEASE.** Upon motion by the state or the
19 defendant, the court before which the action is pending may, following a hearing,
20 modify conditions of release or grant release if it has been previously revoked under
21 s. 969.51. Reasonable notice of the hearing shall be given to all parties.

22 **SECTION 647.** 969.37 of the statutes is created to read:

23 **969.37 Return of cash deposit to a 3rd party.** A person other than the
24 defendant who has deposited cash to obtain the release of the defendant on a secured
25 appearance bond, may, prior to the entry of a judgment of conviction or a judgment

1 of forfeiture under s. 969.42, apply to the court for an order returning the deposit.
2 After notice to the parties, the court shall hold a hearing at which the defendant must
3 be present. The court shall determine whether to remit the cash deposit in whole or
4 in part and may review and modify the conditions of release.

5 **SECTION 648.** 969.38 of the statutes is created to read:

6 **969.38 Disposition of cash deposits. (1) DEPOSIT APPLIED TO FINE OR COSTS.**

7 (b) All secured appearance bonds shall include notice of the requirements of
8 par. (a).

9 **(2) RETURN OF DEPOSIT.** If the complaint against the defendant is dismissed or
10 the defendant is acquitted in a case in which a cash deposit has been made on a
11 secured appearance bond, the entire sum deposited shall be returned. A deposit by
12 a surety shall be returned to the person who made the deposit.

13 **(3) FORFEITURE EXCEPTION.** Subsections (1) (a) and (2) do not apply if a cash
14 deposit is forfeited under s. 969.42.

15 **SECTION 649.** 969.41 of the statutes is created to read:

16 **969.41 Discharge of surety.** When a surety desires to be discharged from the
17 obligations of his or her bond, he or she may apply to the court for an order to that
18 effect. After notice to the parties, the court shall hold a hearing at which the
19 defendant must be present. The court shall determine whether to discharge the
20 surety and may review and modify the conditions of release.

21 **SECTION 650.** 969.42 of the statutes is created to read:

22 **969.42 Forfeiture. (1)** If the defendant does not comply with the conditions
23 of the bond, the court may order the bail forfeited and a judgment of bail forfeiture
24 entered. Immediately after the order is entered, the clerk shall mail notice of the

1 order of judgment of bail forfeiture to the defendant and the defendant's sureties.
2 No other notice is required.

3 (2) By entering into a bond, the defendant and any sureties submit to the
4 jurisdiction of the court for the purposes of determining their liability under the
5 bond. Their obligations under the bond may be enforced without the necessity of an
6 independent action.

7 (3) If the court enters a judgment of bail forfeiture, any cash deposit made with
8 the clerk pursuant to this subchapter shall be applied to the payment of costs. If any
9 amount of the deposit remains after the payment of costs, it shall be applied to the
10 payment of the judgment of bail forfeiture.

11 (4) Within 30 days after the entry of a judgment of bail forfeiture, the court may
12 order the judgment set aside upon such conditions as the court imposes if it appears
13 that justice does not require the enforcement of the judgment of bail forfeiture.

14 **SECTION 651.** Subchapter III (title) of chapter 969 [precedes 969.50] of the
15 statutes is created to read:

16 **CHAPTER 969**

17 **SUBCHAPTER III**

18 **ENFORCEMENT OF APPEARANCE**

19 **REQUIREMENTS AND CONDITIONS OF**

20 **RELEASE**

21 **SECTION 652.** 969.50 (2) and (3) of the statutes are created to read:

22 969.50 (2) A court issuing a bench warrant under this section may specify
23 monetary conditions of release on the warrant.

1 ~~audiovisual means under s. 967.08~~ defendant does not waive any ~~grounds~~ ground
2 that the person defendant has for challenging the court's personal jurisdiction.

3 **SECTION 656.** 970.01 (2) of the statutes is repealed.

4 **SECTION 657.** 970.02 (title) of the statutes is repealed.

5 **SECTION 658.** 970.02 (1) (intro.) of the statutes is repealed.

6 **SECTION 659.** 970.02 (1) (a) of the statutes is renumbered 971.027 (3) and
7 amended to read:

8 971.027 (3) NOTICE OF THE CHARGES AND PENALTIES. ~~Of the charge against the~~
9 ~~defendant and shall furnish~~ The court shall ensure that the district attorney has
10 furnished the defendant with a copy of the complaint ~~which shall contain the possible~~
11 ~~penalties for the offenses set forth therein. In the case of a felony, the judge shall also~~
12 ~~inform the defendant of the~~ and ensure that the defendant has been informed of the
13 nature of the charge and the penalties for the felony each crime with which the
14 defendant is charged. The district attorney shall read the complaint to the defendant
15 at the defendant's request.

16 **SECTION 660.** 970.02 (1) (b) and (6) of the statutes are consolidated,
17 renumbered 971.027 (1) and amended to read:

18 971.027 (1) RIGHT TO COUNSEL. ~~Of~~ If the defendant is not represented by
19 counsel, the court shall inform the defendant of his or her right to counsel and, in any
20 ~~case required by the U.S. or Wisconsin constitution, that an attorney will be~~
21 ~~appointed to represent him or her if he or she is financially unable to employ counsel.~~
22 ~~(6) In all cases in which the defendant is entitled to legal representation under the~~
23 ~~constitution or laws of the United States or this state, the judge or magistrate shall~~
24 ~~inform the defendant of his or her right to counsel and, if the defendant claims or~~
25 ~~appears to be indigent, shall refer the person~~ defendant to the authority for indigency

1 determinations specified under s. 977.07 (1). Unless the defendant knowingly and
2 voluntarily waives the right to counsel, the court may not permit an unrepresented
3 defendant to enter a plea other than not guilty.

4 SECTION 661. 970.02 (1) (c) of the statutes is repealed.

5 SECTION 662. 970.02 (2) of the statutes is renumbered 971.027 (5) and amended
6 to read:

7 971.027 (5) CONDITIONS OF RELEASE. ~~The judge~~ At the initial appearance, the
8 court shall admit the defendant to bail in accordance with establish, modify, or
9 continue the conditions of the defendant's release under ch. 969.

10 SECTION 663. 970.02 (3) of the statutes is repealed.

11 SECTION 664. 970.02 (4) of the statutes is repealed.

12 SECTION 665. 970.02 (5) of the statutes is repealed.

Change component

13 SECTION 666. 970.02 (7) of the statutes is renumbered 971.027 (6) and amended
14 to read:

15 971.027 (6) OBTAINING IDENTIFICATION DATA. If the offense charged is one
16 specified under s. 165.83 (2) (a), ~~the judge shall determine if~~ and if law enforcement
17 officers have not obtained the defendant's fingerprints, photographs, and other
18 identifying data ~~have been taken and, if not, the judge, the court shall~~ at the initial
19 appearance direct that this information be obtained they do so.

Change component

20 SECTION 667. 970.02 (8) of the statutes, as created by 2013 Wisconsin Act 20,
21 is renumbered 971.027 (7) and amended to read:

22 971.027 (7) OBTAINING BIOLOGICAL SPECIMEN. If the offense charged is a felony,
23 ~~the judge shall determine if~~ and if law enforcement officers have not obtained a
24 biological specimen ~~has been obtained~~ from the defendant under s. 165.84 (7), ~~and,~~
25 ~~if not, the judge~~ the court shall at the initial appearance direct that a law

1 enforcement agency or tribal law enforcement agency obtain a biological specimen
2 from the defendant and submit it to the state crime laboratories as specified in rules
3 promulgated by the department of justice under s. 165.76 (4). If the judge court
4 requires the defendant to provide a specimen under this subsection or if a biological
5 specimen has already been obtained from the defendant, the judge court shall inform
6 the defendant that he or she may request expungement under s. 165.77 (4).

****NOTE: This provision was created in Act 20 (the budget), effective April 1, 2015.
Please review the renumbering for correct placement and the amendment (to mirror
changes in s. 971.027 (6), as treated in this bill). See also SECTIONS 85, 87, 89, 90, 91, 92,
95, 97, 99, and 296 of this bill.

7 **SECTION 668.** 970.03 (title), (1), (2), (3), (5), (7), (8), (9), (10), (13) and (14) of the
8 statutes are repealed.

9 **SECTION 669.** 970.03 (4) of the statutes is renumbered 971.75 (9), and 971.75
10 (9) (a), as renumbered, is amended to read:

11 971.75 (9) (a) If the defendant juvenile is accused of a crime under s. 940.225,
12 948.02, 948.025, 948.05, 948.051, 948.06, 948.085, or 948.095, or under s. 940.302 (2),
13 if the court finds that the crime was sexually motivated, as defined in s. 980.01 (5),
14 the court may exclude from the any hearing under this section all persons who are
15 not officers of the court, members of the complainant's or defendant's families or
16 others considered by the court to be supportive of the complainant or defendant, the
17 service representative, as defined in s. 895.45 (1) (c), or other persons required to
18 attend, if the court finds that the state or the defendant juvenile has established a
19 compelling interest that would likely be prejudiced if the persons were not excluded.
20 The court may consider as a compelling interest, among others, the need to protect
21 a complainant from undue embarrassment and emotional trauma.

22 **SECTION 670.** 970.03 (6) of the statutes is renumbered 971.75 (6) (b) and
23 amended to read:

1 971.75 (6) (b) During ~~the preliminary examination~~ any hearing under this
2 section, the court may exclude witnesses until they are called to testify, may direct
3 that persons who are expected to be called as witnesses be kept separate until called,
4 and may prevent them from communicating with one another until they have been
5 examined.

6 **SECTION 671.** 970.03 (12) of the statutes is renumbered 971.75 (7), and 971.75
7 (7) (a) 1., (b) and (c), as renumbered, are amended to read:

8 971.75 (7) (a) 1. “Hospital” has the meaning ~~designated~~ given in s. 50.33 (2).

9 (b) At any ~~preliminary examination~~ hearing under this section, a report of one
10 of the crime laboratory’s, the state laboratory of hygiene’s, a federal bureau of
11 investigation laboratory’s, a hospital laboratory’s, or a local health department’s
12 findings with reference to all or any part of the evidence submitted, certified as
13 correct by the attorney general, the director of the state laboratory of hygiene, the
14 director of the federal bureau of investigation, the chief hospital administrator, the
15 local health officer, as defined in s. 250.01 (5), or a person designated by any of them,
16 shall, when offered by the state or the accused, be received as evidence of the facts
17 and findings stated, if relevant. The expert who made the findings need not be called
18 as a witness.

19 (c) At any ~~preliminary examination~~ hearing under this section in Milwaukee
20 County, a latent fingerprint report of the city of Milwaukee police department bureau
21 of identification division’s latent fingerprint identification unit, certified as correct
22 by the police chief or a person designated by the police chief, shall, when offered by
23 the state or the accused, be received as evidence of the facts and findings stated, if
24 relevant. The expert who made the findings need not be called as a witness.

25 **SECTION 672.** 970.032 (title) of the statutes is repealed.

1 **SECTION 673.** 970.032 (1) of the statutes is renumbered 971.75 (1) and amended
2 to read:

3 971.75 (1) PROBABLE CAUSE HEARING. ~~Notwithstanding s. 970.03, if a~~
4 ~~preliminary examination is held regarding a juvenile who is subject to the original~~
5 ~~jurisdiction of~~ If the court of criminal has original jurisdiction over a juvenile under
6 s. 938.183 (1), the court shall ~~first~~ conduct an evidentiary hearing to determine
7 ~~whether~~ if there is probable cause to believe that the juvenile ~~has~~ committed the
8 violation of which he or she is accused under the circumstances specified in s. 938.183
9 (1) (a), (am), (ar), (b), or (c), whichever is applicable. Notwithstanding s. 908.02,
10 hearsay is admissible in a hearing under this section.

11 **(3) FINDINGS AT PROBABLE CAUSE HEARING.** (a) ~~If the court does not make that~~
12 ~~finding~~ find that there is probable cause to believe the juvenile committed the
13 violation of which he or she is accused under the circumstances specified in s. 938.183
14 (1) (a), (am), (ar), (b), or (c), whichever is applicable, the court shall order that the
15 juvenile be discharged, but proceedings may be brought regarding the juvenile under
16 ch. 938.

17 **SECTION 674.** 970.032 (2) (intro.) of the statutes is renumbered 971.75 (3) (b)
18 and amended to read:

19 971.75 (3) (b) If the court finds probable cause to believe that the juvenile ~~has~~
20 committed the violation of which he or she is accused under the circumstances
21 specified in s. 938.183 (1) (a), (am), (ar), (b), or (c), the court shall conduct a hearing
22 under sub. (5) to determine whether to retain jurisdiction or to transfer jurisdiction
23 to the court assigned to exercise jurisdiction under chs. 48 and 938. The court may
24 base its finding of probable cause in whole or in part on hearsay admitted under sub.
25 (1).

1 **(5) FINDINGS AT RETENTION HEARING.** ~~The~~ If the court finds probable cause under
2 sub. (3) (b), it shall retain jurisdiction unless the juvenile proves by a preponderance
3 of the evidence all of the following:

4 **SECTION 675.** 970.032 (2) (a), (b) and (c) of the statutes are renumbered 971.75
5 (5) (a), (b) and (c).

6 **SECTION 676.** 970.035 of the statutes is repealed.

7 **SECTION 677.** 970.038 of the statutes is repealed.

 ****NOTE: Please review the repeal. I think that it, in addition to the changes made
to s. 971.75 (1) (see SECTION 673) and (3) (b) (see SECTION 674), carries out 10. in your
redrafting instructions.

8 **SECTION 678.** 970.04 of the statutes is repealed.

9 **SECTION 679.** 970.05 of the statutes is repealed.

10 **SECTION 680.** Subchapter I (title) of chapter 970 [precedes 970.06] of the
11 statutes is created to read:

CHAPTER 970

SUBCHAPTER I

GENERAL PROVISIONS

15 **SECTION 681.** 970.06 (2) of the statutes is created to read:

16 970.06 (2) When a grand jury indicts a person, a complaint shall be filed.

17 **SECTION 682.** 970.06 (3) of the statutes is created to read:

18 970.06 (3) The trial of a criminal action shall be upon the complaint.

19 **SECTION 683.** 970.06 (4) of the statutes is created to read:

20 970.06 (4) A complaint upon which a criminal action is tried is an information
21 for the purposes of article I, section 7, of the constitution.

22 **SECTION 684.** 970.08 (2) of the statutes is created to read:

1 970.08 (2) A complaint is filed when the district attorney signs it and files it
2 with the clerk of the court for the county where the crime was committed.

3 **SECTION 685.** 970.09 (2) of the statutes is created to read:

4 970.09 (2) The court may allow the district attorney to amend the complaint
5 after the defendant enters a plea but within a reasonable time before trial if the
6 amendment does not prejudice the defendant.

7 **SECTION 686.** 970.10 (title), (1) and (3) of the statutes are created to read:

8 **970.10 (title) Dismissing the complaint. (1)** If the district attorney moves
9 to dismiss a complaint, the trial court shall grant the motion unless the court finds
10 that dismissal is contrary to the public interest. The motion may not be granted
11 during the trial without the consent of the defendant.

12 **(3)** Granting a motion made under sub. (1) dismisses the action, and the clerk
13 shall enter an order to that effect.

14 **SECTION 687.** 970.13 (3) of the statutes is created to read:

15 970.13 (3) RELIEF FROM PREJUDICIAL JOINDER. Relief from prejudicial joinder
16 may be sought under s. 971.68 (2).

17 **SECTION 688.** 970.14 (13) of the statutes is created to read:

18 970.14 (13) In an action where the state asserts jurisdiction under s. 939.03 (1)
19 (b) or (c) and where the place of trial cannot readily be determined under this section,
20 the trial may be in the county where the defendant intended that the crime be
21 committed, the county of residence of the intended victims, or, if neither of these
22 applies, Dane County.

23 **SECTION 689.** 970.15 of the statutes is created to read:

970.15 Deferred and suspended prosecution agreements. (1)

1 **970.15 Deferred and suspended prosecution agreements. (1)**
2 DEFINITIONS. (a) “Deferred prosecution agreement” means an agreement under
3 which a prosecutor does not file a criminal complaint but may do so in the future.

4 (b) “Suspended prosecution agreement” means an agreement under which
5 further prosecution against a person is suspended after a prosecutor files a criminal
6 complaint against the person.

7 **(2) DEFERRED PROSECUTION AGREEMENTS.** The same standards that apply to a
8 district attorney’s charging authority govern the district attorney’s authority to
9 enter into a deferred prosecution agreement. A deferred prosecution agreement is
10 enforceable in the same manner as a plea agreement.

11 **(3) SUSPENDED PROSECUTION AGREEMENTS.** The same standards that apply to a
12 court’s authority to schedule cases and grant continuances apply to a court’s
13 authority to suspend prosecution when the parties have reached a suspended
14 prosecution agreement. The court’s authority to suspend prosecution includes the
15 authority to defer or delay the acceptance of a plea or to withhold entry of judgment.
16 A suspended prosecution agreement is enforceable in the same manner as a plea
17 agreement.

18 **(4) ADMISSIONS AND STATEMENTS.** Consent to, or participation in, a deferred
19 prosecution agreement or a suspended prosecution agreement is not an admission
20 of guilt and is not admissible in any trial relating to the charge to which the
21 agreement pertains. No statement made by a person in connection with a deferred
22 prosecution agreement or a suspended prosecution agreement is admissible in any
23 trial relating to the charge to which the agreement pertains.

24 **(5) IMMUNITY.** Any organization, agency, or individual acting in good faith for
25 which or for whom a person is assigned to work pursuant to a deferred prosecution

1 agreement or a suspended prosecution agreement has immunity from any civil
2 liability in excess of \$25,000 for acts or omissions by the person or affecting the
3 person.

4 **SECTION 690.** Subchapter II (title) of chapter 970 [precedes s. 970.21 of the
5 statutes] is created to read:

6 **CHAPTER 970**

7 **SUBCHAPTER II**

8 **PARTICULAR OFFENSES**

9 **SECTION 691.** Chapter 971 (title) of the statutes is repealed and recreated to
10 read:

11 **CHAPTER 971**

12 **PRETRIAL PROCEDURES**

13 **SECTION 692.** 971.01 of the statutes is repealed.

14 **SECTION 693.** Subchapter I (title) of chapter 971 [precedes 971.013] of the
15 statutes is created to read:

16 **CHAPTER 971**

17 **SUBCHAPTER I**

18 **COMMENCEMENT OF PROCEEDINGS**

19 **SECTION 694.** 971.015 (title) of the statutes is created to read:

20 **971.015 (title) Initial court appearance.**

21 **SECTION 695.** 971.015 (1) (title) of the statutes is created to read:

22 971.015 (1) (title) **PERSONS IN CUSTODY.**

23 **SECTION 696.** 971.015 (1) (b) of the statutes is created to read:

24 971.015 (1) (b) A person in custody outside the county in which the offense was
25 alleged to have been committed shall have an initial appearance in the court for the

1 county in which the offense was alleged to have been committed as soon as
2 practicable. Conditions of release may be set under s. 969.33.

3 **SECTION 697.** 971.015 (2) of the statutes is created to read:

4 971.015 (2) PERSONS NOT IN CUSTODY. A person who is arrested and released or
5 who is issued a citation is entitled to an initial appearance within a reasonable time
6 after being arrested or cited.

7 **SECTION 698.** 971.015 (4) of the statutes is created to read:

8 971.015 (4) DISCOVERY BEFORE THE INITIAL APPEARANCE. The district attorney
9 may provide discovery before the initial appearance.

10 **SECTION 699.** 971.02 of the statutes is repealed.

11 **SECTION 700.** 971.027 (intro.) of the statutes is created to read:

12 **971.027 Duties at the initial appearance.** (intro.) All of the following shall
13 occur at the initial appearance:

14 **SECTION 701.** 971.027 (2) and (4) of the statutes are created to read:

15 971.027 (2) PROBABLE CAUSE DETERMINATION. The court shall determine
16 whether the facts alleged in the complaint establish probable cause to believe that
17 the defendant committed the crime charged. If probable cause exists as to at least
18 one count of the complaint, the court may set a date for further proceedings and, if
19 the defendant requests, shall set a date for trial. Notwithstanding a finding of
20 probable cause under this subsection, the defendant may move to dismiss a
21 complaint or any count in a complaint based on lack of probable cause by filing a
22 motion under s. 971.65.

23 (4) REQUEST FOR AND ENTRY OF PLEA. The court shall ask for the defendant's plea
24 to the charges in the complaint. If the defendant stands mute or refuses to plead to

Handwritten annotations: A circled '15' with '15' written next to it, and a circled '2' with '2' written next to it. An arrow points from the circled '15' to the text on line 13.

INS
223-23 →

1 any charge, the court shall direct the entry of a plea of not guilty on the defendant's
2 behalf.

3 **SECTION 702.** 971.035 of the statutes is created to read:

4 **971.035 Discovery at the initial appearance.** (1) MATERIAL IN THE DISTRICT
5 ATTORNEY'S POSSESSION. At the initial appearance, the district attorney shall disclose,
6 if in the district attorney's possession, law enforcement investigative reports relating
7 to the case and a copy of the defendant's criminal record.

8 (2) TIME OF DISCLOSURE. Disclosure under this section shall be made after the
9 defendant has obtained or waived legal representation.

10 (3) MANNER OF DISCLOSURE. Disclosure under this section shall be made in the
11 manner provided in s. 971.51.

12 (4) DELAY FOR GOOD CAUSE SHOWN. For good cause shown, the court may allow
13 a delay in disclosure under this section.

14 **SECTION 703.** 971.038 of the statutes is created to read:

15 **971.038 Time limits for motions and requests for substitution.** No later
16 than 10 days after the initial appearance, the defendant may file any motions that
17 might otherwise be waived by the entry of the plea or a request for substitution of
18 a judge under s. 967.16.

19 **SECTION 704.** 971.04 (title) of the statutes is renumbered 967.13 (title).

20 **SECTION 705.** 971.04 (1) (intro.) of the statutes is renumbered 967.13 (1) (intro.)
21 and amended to read:

22 967.13 (1) (intro.) Except as provided in subs. (2) and (3), ~~the s. 967.14, or subch.~~
23 III of ch. 885, a defendant who is an individual shall be present for all of the following:

24 **SECTION 706.** 971.04 (1) (a) of the statutes is repealed.

1 **SECTION 707.** 971.04 (1) (b), (c), (d), (e), (f), (g) and (h) of the statutes are
2 renumbered 967.13 (1) (c), (d), (e), (f), (g), (h) and (j) and amended to read:

3 967.13 (1) (c) ~~At The trial;~~

4 (d) ~~During The voir dire of the trial jury;~~

5 (e) ~~At any Any evidentiary hearing;~~

6 (f) ~~At any Any view by the jury;~~

7 (g) ~~When the jury returns its The return of the jury's verdict;~~

8 (h) ~~At the pronouncement The granting of judgment and the imposition of~~
9 ~~sentence;~~

10 (j) ~~At any Any other proceeding when ordered by the court.~~

11 **SECTION 708.** 971.04 (2) of the statutes is renumbered 967.13 (2) and amended
12 to read:

13 967.13 (2) A defendant charged with a misdemeanor may authorize his or her
14 attorney in writing to act on ~~his or her~~ the defendant's behalf in any manner and,
15 with prior leave of the court, and may be excused from attendance at attending any
16 or all proceedings proceeding except entry of a plea of guilty or no contest, sentencing,
17 or a proceeding at which a right personal to the defendant is waived.

18 **SECTION 709.** 971.04 (3) of the statutes is renumbered 967.13 (3) and amended
19 to read:

20 967.13 (3) If the defendant is present at ~~the beginning of the trial~~ when
21 jeopardy attaches and thereafter, during the progress of the trial or before the verdict
22 of the jury has been returned into court, voluntarily absents himself or herself from
23 the presence of the court without leave of the court, the trial or return of verdict of
24 the jury in the case shall not thereby be postponed or delayed, ~~but~~ and the trial or
25 submission of ~~said~~ the case to the jury for verdict and the return of verdict ~~thereon~~,

1 if required, shall proceed in all respects as though the defendant were present in
2 court at all times. ~~A defendant need not be present at the pronouncement or entry~~
3 ~~of an order granting or denying relief under s. 974.02, 974.06, or 974.07. If the~~
4 ~~defendant is not present, the time for appeal from any order under ss. 974.02, 974.06,~~
5 ~~and 974.07 shall commence after a copy has been served upon the attorney~~
6 ~~representing the defendant, or upon the defendant if he or she appeared without~~
7 ~~counsel. Service of such an order shall be complete upon mailing. A defendant~~
8 ~~appearing without counsel shall supply the court with his or her current mailing~~
9 ~~address. If the defendant fails to supply the court with a current and accurate~~
10 ~~mailing address, failure to receive a copy of the order granting or denying relief shall~~
11 ~~not be a ground for tolling the time in which an appeal must be taken.~~

12 **SECTION 710.** 971.05 of the statutes is repealed.

13 **SECTION 711.** Subchapter II (title) of chapter 971 [precedes 971.06] of the
14 statutes is created to read:

15 **CHAPTER 971**

16 **SUBCHAPTER II**

17 **PLEAS**

18 **SECTION 712.** 971.06 (1) (title) of the statutes is created to read:

19 971.06 (1) (title) TYPES OF PLEAS.

20 **SECTION 713.** 971.06 (1) (a), (b) and (c) of the statutes are amended to read:

21 971.06 (1) (a) Guilty, which means that the defendant admits the facts
22 necessary to constitute the crime.

23 (b) Not guilty, which means that the defendant denies the facts necessary to
24 constitute the crime. A plea of not guilty requires the state to prove the facts
25 necessary to constitute the crime beyond a reasonable doubt.

1 (c) No contest, ~~subject to the approval of the court~~ which means that the
2 defendant does not contest the state's ability to prove the facts necessary to
3 constitute the crime. The court may refuse to allow the entry of a no contest plea after
4 consideration of the views of the parties and the public interest in the administration
5 of justice.

6 **SECTION 714.** 971.06 (1) (d) of the statutes is repealed.

7 **SECTION 715.** 971.06 (2) of the statutes is repealed.

8 **SECTION 716.** 971.06 (3) of the statutes is repealed.

9 **SECTION 717.** 971.06 (4) of the statutes is created to read:

10 **971.06 (4) JOINING A PLEA OF NOT GUILTY BY REASON OF MENTAL DISEASE OR DEFECT**
11 **WITH ANOTHER PLEA.** (a) A defendant may enter a plea of not guilty by reason of mental
12 disease or defect, which means that at the time of the crime, as a result of mental
13 disease or defect, the defendant lacked substantial capacity either to appreciate the
14 wrongfulness of his or her conduct or to conform his or her conduct to the
15 requirements of law. A defendant who enters a plea of not guilty by reason of mental
16 disease or defect shall join the plea of not guilty by reason of mental disease or defect
17 with one of the pleas under sub. (1).

18 (b) If a defendant joins a plea of not guilty by reason of mental disease or defect
19 with a plea of not guilty, there shall be a separation of the trial of the issues of guilt
20 and responsibility as provided in s. 975.52 (2) (a).

21 (c) If the defendant joins a plea of not guilty by reason of mental disease or
22 defect with a plea of guilty or no contest, the court shall first determine whether to
23 accept the plea of guilty or no contest under s. 975.52 (1). If the plea of guilty or no
24 contest is accepted, the court shall withhold entry of a judgment of conviction

1 pending determination of the issue of responsibility, by the court or by a jury, under
2 s. 975.52 (2). Judgment shall be entered as provided in s. 975.52 (4).

3 **SECTION 718.** 971.065 of the statutes is created to read:

4 **971.065 Plea agreements.** (1) The district attorney and the defendant may
5 participate in discussions to reach an agreement that if the defendant enters a plea
6 of guilty or no contest the district attorney shall take or refrain from taking certain
7 actions, including one or more of the following:

8 (a) Moving to dismiss or amend one or more charges.

9 (b) Reading in any crime that is uncharged or that is dismissed as part of the
10 agreement.

11 (c) Recommending, or agreeing not to oppose the defendant's request for, a
12 particular disposition.

13 (d) Agreeing that a specific disposition is appropriate.

14 (2) The court may not participate in discussions to reach an agreement under
15 this section.

16 **SECTION 719.** 971.07 of the statutes is repealed.

17 **SECTION 720.** 971.08 (title) of the statutes is amended to read:

18 **971.08** (title) **Pleas Accepting pleas of guilty and or no contest;**
19 **withdrawal thereof.**

20 **SECTION 721.** 971.08 (1) (a) of the statutes is renumbered 971.08 (1) (ar) and
21 amended to read:

22 971.08 (1) (ar) Address the defendant personally and determine that the
23 defendant is making the plea is made knowingly, voluntarily, and with
24 understanding of the meaning and effect of the plea, the nature of the charge crime
25 to which the plea is entered, and the potential punishment if convicted.

1 **SECTION 722.** 971.08 (1) (ag) of the statutes is created to read:

2 971.08 (1) (ag) Require the parties to disclose any plea agreement in open court
3 or, on a showing of good cause, in camera. Before accepting the plea, the court may
4 express any reservations it has concerning the appropriateness of any recommended
5 disposition and shall advise the defendant personally that the court is not bound by
6 the terms of the plea agreement.

7 **SECTION 723.** 971.08 (1) (am) of the statutes is created to read:

8 971.08 (1) (am) Ask the defendant to state his or her plea on the record.

9 **SECTION 724.** 971.08 (1) (b) of the statutes is repealed and recreated to read:

10 971.08 (1) (b) Make an inquiry sufficient to satisfy the court that there is a
11 factual basis for a judgment of conviction of the crime to which the plea is entered.

12 **SECTION 725.** 971.08 (1) (d) of the statutes is amended to read:

13 971.08 (1) (d) Inquire of the district attorney whether he or she has complied
14 with s. 971.095 (2) and (3).

15 **SECTION 726.** 971.08 (3) of the statutes is repealed.

16 **SECTION 727.** 971.085 (title) and (1) (intro.) of the statutes are created to read:

17 **971.085 (title) Effect of a plea of guilty or no contest.** (1) (intro.) A plea
18 of guilty or no contest waives all nonjurisdictional defects and defenses that occur
19 prior to the plea except that the following may be reviewed upon appeal from a final
20 order or judgment:

21 **SECTION 728.** 971.085 (1) (b) of the statutes is created to read:

22 971.085 (1) (b) An order denying a motion to dismiss asserting that the statute
23 under which the defendant is charged violates the United States or the Wisconsin
24 constitution.

25 **SECTION 729.** 971.085 (2) of the statutes is created to read:

1 971.085 (2) The court shall permit a defendant who prevails on an appeal of
2 an order under sub. (1) (a) or (b) to withdraw his or her plea.

3 **SECTION 730.** 971.09 of the statutes is repealed and recreated to read:

4 **971.09 Consolidation; plea to or read-in of crimes committed in several**
5 **counties.** (1) IN GENERAL. Consolidation refers to the process by which charges
6 pending in more than one county are resolved in a single proceeding in one county.
7 Consolidation is a voluntary procedure, requiring the consent of the defendant and
8 the district attorneys for all counties whose charges are resolved. Consolidated
9 charges shall be resolved by the entry of a plea of guilty or no contest or by an
10 agreement that charged crimes be treated as read-in crimes. A defendant who has
11 already been convicted of but not sentenced for a crime may apply for consolidation
12 of any pending or uncharged crime committed.

13 (2) APPLICATION FOR CONSOLIDATION. A defendant may apply to the district
14 attorney for a county in which a charge against the defendant is pending to resolve
15 in a single proceeding in one county any pending cases. In the application, the
16 defendant shall describe with particularity all the crimes that the defendant seeks
17 to resolve in the single proceeding, indicate the county in which each of the crimes
18 was committed, and indicate the county in which the defendant requests final
19 disposition.

20 (3) NOTICE AND CONSENT. A district attorney who receives an application under
21 sub. (2) shall send a copy of the application to the district attorney for each county
22 in which a crime indicated in the application was committed. A district attorney who
23 receives a copy of the application may execute a written consent to having any crime
24 indicated in the application that is subject to disposition in his or her county resolved
25 in a proceeding in another county. If a district attorney does not consent to having

1 a crime that is subject to disposition in his or her county resolved in another county,
2 the crime may not be resolved under this section.

3 (4) AMENDING THE CHARGE; PLEA; READ-IN CRIMES. (a) If the district attorney to
4 whom the defendant submitted the application under sub. (2) consents to resolving
5 a case that is subject to disposition in his or her county in a single proceeding under
6 this section, the district attorney shall file an amended complaint that charges the
7 defendant with all crimes identified in consents executed under sub. (3) that are not
8 to be treated as read-in crimes.

9 (b) To resolve crimes charged in the amended complaint under par. (a) in a
10 single proceeding, the defendant shall waive in writing or on the record any right to
11 be tried in the county in which a crime charged in the amended complaint was
12 committed and enter a plea of guilty or no contest to each crime charged in the
13 amended complaint.

14 (c) To resolve read-in crimes under this section, the defendant shall affirm his
15 or her agreement to having the crimes considered at sentencing.

16 (d) A district attorney who executed a consent under sub. (3) need not be
17 present when the defendant enters his or her plea but the district attorney's written
18 consent shall be filed with the court.

19 (e) A charge that originated in a county may not be amended or dismissed
20 without prior written approval of the district attorney for the county in which the
21 charge originated.

22 (5) JUDGMENT. If it accepts the defendant's plea, the court shall enter judgment
23 and sentence the defendant as though all crimes charged in the amended complaint
24 were alleged to have been committed in the county where judgment is entered and
25 may consider at sentencing any read-in crimes affirmed under sub. (4) (c). The clerk

1 of the court for the county in which judgment is entered shall file a copy of the
2 judgment of conviction with the clerk of the court for each other county in which
3 charges addressed in the judgment or treated as read-in crimes originated. The
4 district attorney for each of the other counties shall then move to dismiss any charges
5 that are pending in his or her county against the defendant for charges addressed
6 in the judgment or as treated as read-in crimes.

7 (6) RIGHTS OF CRIME VICTIMS. The duties of the district attorney under ch. 950
8 and s. 971.095 shall be discharged by the district attorney for the county in which the
9 crimes occurred, unless otherwise agreed to by the participating district attorneys.

10 (7) PROSECUTION COSTS. The county in which the plea is made shall pay the costs
11 of prosecution if the defendant does not pay them, and is entitled to retain fees for
12 receiving and paying to the state any fine that the defendant may pay. The clerk
13 where the plea is made shall file a copy of the judgment of conviction with the clerk
14 in each county where a crime covered by the plea was committed. The district
15 attorney shall then move to dismiss any charges covered by the plea of guilty, which
16 are pending against the defendant in the district attorney's county, and the charges
17 shall be dismissed.

18 **SECTION 731.** 971.093 of the statutes is created to read:

19 **971.093 Withdrawal of a plea of guilty or no contest.** (1) BEFORE
20 SENTENCING. The court shall grant a motion that is made before sentencing to
21 withdraw a plea of guilty or no contest if a fair and just reason for doing so is
22 established.

23 (2) AFTER SENTENCING. The court shall grant a motion that is made after
24 sentencing to withdraw a plea of guilty or no contest if the defendant did not

1 knowingly, voluntarily, and understandingly enter the plea or if withdrawal is
2 required to prevent manifest injustice.

3 (3) REMEDY. When the court grants a motion to withdraw a plea of guilty or no
4 contest under this section, the judgment of conviction is vacated, the original charge
5 or charges reinstated, and the parties are restored to the position they were in before
6 the plea and any related plea agreement was accepted.

7 **SECTION 732.** 971.095 (2) and (3) of the statutes are amended to read:

8 971.095 (2) In any case in which a defendant has been charged with a crime,
9 the district attorney shall, as soon as practicable, offer all of the victims in the case
10 who have so requested ~~the opportunity~~ an opportunity to confer with the district
11 attorney concerning the prosecution of the case and the possible outcomes of the
12 prosecution, including potential plea agreements and sentencing recommendations.
13 The duty to confer under this subsection does not limit the obligation of the district
14 attorney to exercise his or her discretion concerning the handling of any criminal
15 charge against the defendant.

16 (3) At the request of a victim, a district attorney shall make a reasonable
17 attempt to provide the victim with notice of the date, time, and place of scheduled
18 court proceedings ~~in a case involving~~ relating to the prosecution of a crime of which
19 he or she is a victim and any changes in the date, time, or place of a scheduled court
20 proceeding for which the victim has received notice. This subsection does not apply
21 to a proceeding held before the initial appearance to set conditions of release under
22 ch. 969.

23 **SECTION 733.** Subchapter III (title) of chapter 971 [precedes 971.098] of the
24 statutes is created to read:

25

CHAPTER 971

SUBCHAPTER III

SCHEDULING AND EXPEDITION OF PROCEEDINGS

SECTION 734. 971.098 of the statutes is created to read:

971.098 Scheduling orders; pretrial conferences. After the defendant enters a plea, the court may issue a scheduling order and may amend it as circumstances require. The order shall be in writing and may specify times for discovery, pretrial motions, notices of intent to offer an alibi or another defense required to be disclosed, pretrial conferences, trial, or other proceedings.

SECTION 735. 971.10 (1) (title) of the statutes is created to read:

971.10 (1) (title) MISDEMEANORS.

SECTION 736. 971.10 (1) of the statutes is renumbered 971.10 (1) (a) and amended to read:

971.10 (1) (a) ~~In~~ Subject to sub. (3), the trial of a defendant who is in custody and is charged only with a misdemeanor actions trial shall commence within 60 45 days from the date of the defendant's initial appearance in court.

SECTION 737. 971.10 (1) (b) of the statutes is created to read:

971.10 (1) (b) Subject to sub. (3), the trial of a defendant who is not in custody and is charged only with a misdemeanor shall commence within 60 days from the date on which any party demands a speedy trial in writing or on the record. A party who makes a demand in writing shall serve a copy upon the opposing party.

SECTION 738. 971.10 (2) (a) of the statutes is renumbered 971.10 (2) and amended to read:

971.10 (2) FELONIES. ~~The~~ Subject to sub. (3), the trial of a defendant who is charged with a felony shall commence within 90 days from the date trial is demanded by any party on which any party demands a speedy trial in writing or on the record.

1 If the A party who makes a demand is made in writing, ~~a copy shall be served~~ serve
2 a copy upon the opposing party. The demand may ~~not~~ be made ~~until~~ at any time after
3 the filing of the ~~information~~ complaint or indictment.

4 **SECTION 739.** 971.10 (2) (b) of the statutes is renumbered 971.10 (2g) and
5 amended to read:

6 971.10 (2g) ASSIGNMENT OF ANOTHER JUDGE. If the court is unable to schedule
7 a timely trial pursuant to ~~par. (a)~~ under sub. (1) or (2), the court shall request
8 assignment of another judge pursuant to under s. 751.03.

9 **SECTION 740.** 971.10 (2r) of the statutes is created to read:

10 971.10 (2r) INAPPLICABILITY TO DETAINERS. Subsections (1) to (2m) do not apply
11 to inmates of a state prison.

12 **SECTION 741.** 971.10 (3) (title) of the statutes is created to read:

13 971.10 (3) (title) CONTINUANCES.

14 **SECTION 742.** 971.10 (3) (a) of the statutes is renumbered 971.10 (3) (a) (intro.)
15 and amended to read:

16 971.10 (3) (a) (intro.) A court may grant a continuance in a case, upon its own
17 motion or the motion of any party, if all of the following apply:

18 1. The ends of justice served by taking action a continuance outweigh the best
19 interest of the public and the defendant in a speedy trial. ~~A continuance shall not~~
20 ~~be granted under this paragraph unless the~~

21 2. The court sets forth, in on the record of the case, either orally or in writing,
22 its reasons for finding that ~~the ends of justice served by the granting of the~~
23 ~~continuance outweigh the best interests of the public and the defendant in a speedy~~
24 ~~trial~~ subd. 1. applies.

1 **SECTION 743.** 971.10 (3) (b) (intro.), 1. and 2. of the statutes are amended to
2 read:

3 971.10 (3) (b) (intro.) ~~The factors, among others, which the court shall~~
4 ~~consider in~~ In determining whether to grant a continuance under par. (a) ~~are, the~~
5 court shall consider at least the following factors:

6 1. Whether the failure to grant ~~the a~~ a continuance ~~in the proceeding~~ would be
7 likely to make ~~a continuation of the proceeding~~ it impossible to continue the
8 proceeding or result in a miscarriage of justice.

9 2. Whether the case taken as a whole is so unusual and so complex, due to the
10 number of defendants ~~or,~~ the nature of the prosecution, or otherwise, that it is
11 unreasonable to expect adequate preparation within the periods of time established
12 by this section.

13 **SECTION 744.** 971.10 (3) (c) of the statutes is amended to read:

14 971.10 (3) (c) ~~No~~ A court may not grant a continuance under par. (a) ~~may be~~
15 ~~granted~~ because of general congestion of the court's calendar ~~or,~~ the state's lack of
16 diligent preparation, or the state's failure to obtain available witnesses ~~on the part~~
17 ~~of the state.~~

18 **SECTION 745.** 971.10 (4) of the statutes is renumbered 971.10 (2m) and
19 amended to read:

20 971.10 (2m) REMEDY. ~~Every~~ If a defendant is not tried in accordance with on
21 time under this section, the court shall be discharged release him or her from custody
22 but the obligations of the bond or other and remove any monetary conditions of
23 release of a defendant imposed as a result of the charge for which the time limit is
24 exceeded. Nonmonetary conditions shall continue until modified or until the bond
25 is released or the conditions removed or may be imposed.

1 **SECTION 746.** 971.105 of the statutes is amended to read:

2 **971.105 Child victims and witnesses; duty to expedite proceedings.** In
3 all criminal and delinquency cases, ~~juvenile fact-finding hearings under s. 48.31 and~~
4 ~~juvenile dispositional hearings~~ involving a child as a victim, as defined in s. 950.02
5 (4), or as a witness, as defined in s. 950.02 (5), the court and the district attorney shall
6 take appropriate action to ensure a speedy trial in order to minimize the length of
7 time the child must endure the stress of ~~the child's~~ his or her involvement in the
8 proceeding. In ruling on any motion or other request for a delay or continuance of
9 proceedings, the court shall consider and give weight to any adverse impact the delay
10 or continuance may have on the well-being of a child victim or witness.

11 **SECTION 747.** 971.11 (1) of the statutes is amended to read:

12 971.11 (1) Whenever the warden or superintendent of a state prison receives
13 notice of an untried criminal case pending in this state against an inmate of ~~a state~~
14 the prison, the warden or superintendent shall, at the request of the inmate, send
15 by certified mail a written request to the district attorney for prompt disposition of
16 the case. The request shall state the sentence then being served, and the date of the
17 inmate's parole eligibility, if applicable, or the date of release on which the inmate
18 will be released to extended supervision, or the approximate ~~discharge or conditional~~
19 ~~release date, and prior decision relating to parole.~~ If there has been no preliminary
20 examination on the pending case, the request shall state whether the inmate waives
21 such examination, and, if so, shall be accompanied by a written waiver signed by the
22 inmate date on which the inmate will be discharged. If the inmate is already eligible
23 for parole, the request shall describe any prior decision relating to parole.

24 **SECTION 748.** 971.11 (2) and (3) of the statutes are consolidated, renumbered
25 971.11 (2) and amended to read:

1 971.11 (2) If the crime charged in the pending case is a felony, the district
2 attorney shall either move to dismiss the ~~pending case or arrange a date for~~
3 ~~preliminary examination as soon as convenient and notify the warden or~~
4 ~~superintendent of the prison thereof, unless such examination has already been held~~
5 ~~or has been waived. After the preliminary examination or upon waiver thereof, the~~
6 ~~district attorney shall file an information, unless it has already been filed, and mail~~
7 ~~a copy thereof to the warden or superintendent for service on the inmate. The district~~
8 ~~attorney shall bring the case on for trial within 120 days after receipt of receiving the~~
9 request, subject to s. 971.10. ~~(3)~~ (3). If the crime charged in the pending case is a
10 misdemeanor, the district attorney shall either move to dismiss the charge case or
11 bring it on for trial within 90 days after receipt of the request.

12 **SECTION 749.** 971.11 (4) of the statutes is amended to read:

13 971.11 (4) If the defendant desires to plead guilty or no contest to the complaint
14 ~~or to the information served upon him or her, the defendant shall notify the district~~
15 ~~attorney thereof. The district attorney shall thereupon arrange for the defendant's~~
16 ~~arraignment inmate to enter a plea as soon as possible and the court may receive the~~
17 ~~plea and pronounce judgment.~~

18 **SECTION 750.** 971.11 (5) of the statutes is amended to read:

19 971.11 (5) If the defendant wishes to plead guilty to cases pending in more than
20 one county, the ~~several~~ district attorneys involved may agree with the defendant and
21 among themselves for all such pleas to be received in the appropriate court of one of
22 such counties, and s. 971.09 shall govern the procedure thereon so far as applicable.

23 **SECTION 751.** 971.11 (6) of the statutes is amended to read:

24 971.11 (6) The ~~prisoner shall be delivered~~ warden or superintendent of the
25 prison shall deliver the inmate into the custody of the sheriff of the county in which

1 the charge is pending for transportation to the court, and the ~~prisoner shall be~~
2 ~~retained in that~~ sheriff shall retain custody of the inmate during all proceedings
3 under this section. The sheriff shall return the ~~prisoner inmate~~ to the prison upon
4 the completion of the proceedings and during any adjournments or continuances and
5 ~~between the preliminary examination and the trial~~, except that, if the department
6 of corrections certifies a jail as being suitable to detain the ~~prisoner inmate~~, he or she
7 may be detained there until the court disposes of the case. The ~~prisoner's inmate's~~
8 existing sentence continues to run and he or she receives time credit under s. 302.11
9 while in custody.

10 **SECTION 752.** 971.11 (7) of the statutes is amended to read:

11 971.11 (7) If the district attorney moves to dismiss any pending case ~~or if it is~~
12 ~~not brought on for trial to which a request under sub. (1) relates or does not bring the~~
13 ~~case on for trial~~ within the time specified in sub. (2) ~~or (3)~~, the case court shall be
14 ~~dismissed~~ dismiss the case unless the defendant has escaped or otherwise prevented
15 the trial, in which case the request for disposition of the case shall be deemed
16 withdrawn and of no further legal effect. ~~Nothing in this section prevents a trial after~~
17 ~~the period specified in sub. (2) or (3) if a trial commenced within such period~~
18 ~~terminates in a mistrial or a new trial is granted.~~

19 **SECTION 753.** 971.12 (title) of the statutes is renumbered 970.13 (title).

20 **SECTION 754.** 971.12 (1) and (2) of the statutes are renumbered 970.13 (1)
21 (intro.) and (2) and amended to read:

22 970.13 (1) JOINDER OF CRIMES. (intro.) Two or more crimes may be charged in
23 the same complaint, ~~information or indictment in a separate count for each crime if~~
24 ~~the crimes charged, whether felonies or misdemeanors, or both, if each is described~~
25 in a separate count and if any of the following applies:

1 (a) The crimes are of the same or similar character ~~or~~.

2 (b) The crimes are based on the same act or transaction ~~or on 2~~.

3 (c) The crimes are based on 2 or more acts or transactions connected together
4 or constituting parts of a common scheme or plan. ~~When a misdemeanor is joined~~
5 ~~with a felony, the trial shall be in the court with jurisdiction to try the felony.~~

6 (2) JOINDER OF DEFENDANTS. Two or more defendants may be charged in the
7 same complaint, ~~information or indictment~~ if they are alleged to have participated
8 in the same act or transaction or in the same series of acts or transactions
9 constituting one or more crimes. Such defendants may be charged in one or more
10 counts together or separately ~~and all of the defendants need not be charged in each~~
11 ~~count.~~

12 **SECTION 755.** 971.12 (3) of the statutes is renumbered 971.68 (2) and amended
13 to read:

14 971.68 (2) RELIEF FROM PREJUDICIAL JOINDER. If it appears that a defendant or
15 the state is prejudiced by a joinder of crimes or of defendants ~~in a complaint,~~
16 ~~information or indictment or by such joinder for trial together,~~ the court may order
17 separate trials of counts, ~~grant a severance of~~ charges or defendants or provide
18 whatever other relief justice requires. ~~The district attorney shall advise the court~~
19 ~~prior to trial if the district attorney intends to use the statement of a codefendant~~
20 ~~which implicates another defendant in the crime charged. Thereupon, the judge~~
21 ~~shall grant a severance as to any such defendant.~~

22 **SECTION 756.** 971.12 (4) of the statutes is renumbered 971.67 and amended to
23 read:

24 **971.67 ~~Trial together~~ Joint trial of separate charges.** The court may order
25 2 or more complaints, ~~informations~~ or indictments to be tried together if the crimes

1 and the defendants, if there is more than one, could have been joined in a single
2 complaint,~~information~~ or indictment. The procedure shall be the same as if the
3 prosecution were under such single complaint,~~information~~ or indictment.

4 **SECTION 757.** 971.13 of the statutes is renumbered 975.30, and 975.30 (3) and
5 (4), as renumbered, are amended to read:

6 975.30 (3) The fact that a defendant is not competent to proceed does not
7 preclude any legal objection to the prosecution under s. ~~971.31~~ which 971.65 that is
8 susceptible of fair determination prior to trial and without the personal participation
9 of the defendant.

10 (4) The fact that a defendant is not competent to proceed does not preclude a
11 hearing under s. ~~968.38~~ 968.725 (4) or (5) unless the court cannot fairly make the
12 probable cause finding required to be made at the hearing cannot be fairly made
13 under s. 968.725 (4) or (5), whichever is applicable, without the personal
14 participation of the defendant.

15 **SECTION 758.** 971.14 (title) of the statutes is repealed.

16 **SECTION 759.** 971.14 (1g) of the statutes is repealed.

17 **SECTION 760.** 971.14 (1r) (title) of the statutes is repealed.

18 **SECTION 761.** 971.14 (1r) (a) of the statutes is renumbered 975.31 (1).

19 **SECTION 762.** 971.14 (1r) (b) of the statutes is renumbered 975.31 (3) and
20 amended to read:

21 975.31 (3) If reason to doubt a defendant's competency to proceed arises after
22 ~~the defendant has been bound over for trial after a preliminary examination, or after~~
23 ~~a finding of guilty has been rendered by the jury or made by the court, a guilt, no~~
24 ~~probable cause determination shall not be finding is required and the court shall~~
25 ~~proceed order an examination of the defendant under sub. (2) s. 975.32.~~