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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Assembly Bill 817**

**Assembly Amendment 1**

### BACKGROUND

Bail refers to monetary conditions of release. Under current law, a court may release a person who is charged with a crime: (1) without bail; (2) on an unsecured appearance bond (personal recognizance bond) executed by the defendant in an amount specified by the court; (3) an appearance bond with sufficient solvent sureties; or (4) cash deposit. Bail may be imposed at or after the initial appearance only upon a finding by the court that there is a reasonable basis to believe that it is necessary to assure the person's appearance in court.

Also, there are various conditions of release a court may order, and some that a court must order as reasonably necessary to assure appearance in court, protect members of the community from serious bodily harm, or prevent intimidation of witnesses. One of the conditions of release that a court must order in all cases is that the person must not commit any crime.

Under current law, it is a violation of the crime of bail jumping for a person, having been released from custody either on a personal recognizance bond or cash bail, to intentionally fail to comply with the terms of his or her bond.

### 2019 ASSEMBLY BILL 817

2019 Assembly Bill 817 prohibits a judge from releasing a person either without bail or on a personal recognizance bond if the person is charged with the **crime of bail jumping**. Under the bill, a court may only release a person charged with the crime of bail jumping if the court requires the execution of an appearance bond with sufficient solvent sureties or a cash deposit.

### ASSEMBLY AMENDMENT 1

Under Assembly Amendment 1, a judge is prohibited from releasing a person either without bail or on a personal recognizance bond, if the person is charged with the **crime of bail jumping for failing to appear in court**. The amendment provides a judge may only release a person charged with the crime of bail jumping for failing to appear in court if the court requires the execution of an appearance bond with sufficient solvent sureties or a cash deposit.

### BILL HISTORY

Assembly Amendment 1 was introduced by Representative Sortwell on February 4, 2020. On February 6, 2020, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of Assembly Amendment 1, and passage of the bill, as amended, by votes of Ayes, 9; Noes, 5.

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