



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBa1761/1  
CMH:amn

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY BILL 642**

January 10, 2018 - Offered by Representative GOYKE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 17: after that line insert:

3 **"SECTION 4s.** 969.08 (5) (b) 2. of the statutes is amended to read:

4 969.08 (5) (b) 2. At a hearing on the alleged violation the state has the burden  
5 of going forward and ~~proving by clear and convincing evidence~~ showing probable  
6 cause that the violation occurred while the defendant was on conditional release.  
7 The evidence shall be presented in open court with the right of confrontation, right  
8 to call witnesses, right of cross-examination and right to representation by counsel.  
9 The rules of evidence applicable in criminal trials govern the admissibility of  
10 evidence at the hearing."

11 **2.** Page 2, line 19: delete the material beginning with "Upon" and ending with  
12 "evidence" on line 20 and substitute "~~Upon a finding by the court that the state has~~

1 ~~established by clear and convincing evidence~~ Following a probable cause  
2 determination of a criminal complaint or indictment".

3 **3.** Page 3, line 2: delete "court's finding" and substitute "~~court's finding~~  
4 determination".

5 **4.** Page 3, line 4: delete the material beginning with "the court does" and  
6 ending with "evidence" on line 5 and substitute "~~the court does not find that the state~~  
7 ~~has established by clear and convincing evidence~~ there is no probable cause  
8 determination of a criminal complaint or indictment".

9 (END)