



State of Wisconsin
2021 - 2022 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY JOINT RESOLUTION 107**

January 12, 2022 - Offered by Representative DUCHOW.

- 1 **To amend** section 8 (2) of article I of the constitution; **relating to:** conditions for
2 release prior to conviction, including the imposition of bail (first consideration).

Analysis by the Legislative Reference Bureau

Under the Wisconsin Constitution, a person accused of a crime is eligible for release before conviction under reasonable conditions designed to assure the appearance of the accused in court, protect members of the community from serious bodily harm, or prevent the intimidation of witnesses. Such conditions of release may include monetary bail only upon a finding that there is a reasonable basis to believe that bail is necessary to assure the appearance of the accused in court.

This constitutional amendment, proposed to the 2021 legislature on first consideration, provides that the accused is eligible for release before conviction under reasonable conditions designed to protect members of the community from serious harm, as defined by the legislature by law, not just serious bodily harm, in addition to the other conditions specified above. The constitutional amendment also eliminates the requirement that monetary bail may be imposed as a condition of release before conviction only upon a finding that there is a reasonable basis to believe that it is necessary to assure the appearance of the accused in court. Instead, the constitutional amendment authorizes the imposition of bail as a condition of release only upon a finding that there is a reasonable basis to believe that it is necessary based on the totality of the circumstances, taking into account the seriousness of the offense charged; whether the accused has a previous conviction for

