

State of Wisconsin



2021 Assembly Joint Resolution 107

ENROLLED JOINT RESOLUTION

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

Resolved by the assembly, the senate concurring, That:

SECTION 1. Section 8 (2) of article I of the constitution is amended to read:

[Article I] Section 8 (2) All persons, before conviction, shall be eligible for release under reasonable conditions designed to assure their appearance in court, protect members of the community from serious bodily harm as defined by the legislature by law, or prevent the intimidation of witnesses. Monetary conditions of release may be imposed at or after the initial appearance only upon a finding that there is a reasonable basis to believe that the conditions are necessary to assure appearance in court, or if the person is accused of a violent crime as defined by the legislature by law, only upon a finding that there is a reasonable basis to believe that the conditions are necessary based on the totality of the circumstances, taking into account whether the accused has a previous conviction for a violent crime as defined by the legislature by law, the probability that the accused will fail to appear in court, the need to protect members of the community from serious harm as defined by the legislature by law, the need to prevent the intimidation of witnesses, and the potential affirmative defenses of the accused. The legislature may authorize, by law, courts to revoke a person's release for a violation of a condition of release.

Be it further resolved, That this proposed amendment be referred to the legislature to be chosen at the next general election and that it be published for three months previous to the time of holding such election.

Senator Chris Kapenga
President of the Senate

Representative Robin J. Vos
Speaker of the Assembly

Date

Edward A. Blazel
Assembly Chief Clerk