



1997 ASSEMBLY BILL 452

July 15, 1997 - Introduced by Representatives LADWIG, HUEBSCH, BRANDEMUEHL, DUFF, FREESE, GARD, GUNDERSON, HASENOHRL, JESKEWITZ, KAUFERT, KELSO, LA FAVE, F. LASEE, J. LEHMAN, M. LEHMAN, MUSSER, NASS, OLSEN, OWENS, PORTER, POWERS, SCHAFER, SERATTI, SPRINGER, STASKUNAS, SYKORA, TURNER, UNDERHEIM and WASSERMAN, cosponsored by Senators PLACHE, CLAUSING, DARLING, HUELSMAN, A. LASEE, ROESSLER and ROSENZWEIG. Referred to Committee on Criminal Justice and Corrections.

- 1 **AN ACT to create** 946.49 (1m) and 968.077 of the statutes; **relating to:** conditions
2 of release of persons arrested for certain crimes against children and providing
3 a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person arrested for or charged with a crime who is released from custody may be required to abide by various conditions of release. Conditions of release may include such things as travel restrictions, a prohibition on possessing a dangerous weapon and other conditions that are reasonably necessary to assure appearance in court, protect others from serious bodily harm or prevent intimidation of witnesses. In addition, as a condition of release in all cases, a person released from custody must not commit another crime. A person who violates a condition of release may be prosecuted for bail jumping. If the crime for which the person was released from custody is a misdemeanor, a person convicted of bail jumping may be fined not more than \$10,000 or imprisoned for not more than 9 months or both. If the crime for which the person was released from custody is a felony, a person convicted of bail jumping may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

Current law also provides that, unless there is a waiver by the alleged victim, a person arrested in a domestic abuse incident must avoid contact with the alleged victim for the 72 hours immediately following the arrest. If a person violates this no-contact requirement, he or she may be required to forfeit not more than \$1,000.

This bill creates a no-contact requirement for persons released from custody after being arrested for certain crimes against children. Under the bill, if a person

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is arrested for one of the covered crimes against children and is released before his or her initial appearance before a judge, the person must, as a condition of his or her release, avoid the residence of the alleged victim of the crime and any premises temporarily occupied by the alleged victim. The person must also avoid contacting or causing any person, other than law enforcement officers and attorneys for the arrested person and alleged victim, to contact the alleged victim. If the person does not agree to abide by the no-contact requirement, he or she may not be released before his or her initial appearance before a judge.

The no-contact requirement created by the bill is effective from the time of the release of the arrested person until the person makes his or her initial appearance before a judge. At the person's initial appearance before a judge, the judge may order the no-contact requirement to be continued as a condition of release. A person who violates the no-contact requirement created by the bill may be prosecuted for bail jumping and is subject to the same penalties as provided under current law.

The crimes against children covered by the bill are sexual contact or sexual intercourse with a child, physical abuse of a child, abandonment of a child and neglecting a child.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 946.49 (1m) of the statutes is created to read:

2 946.49 **(1m)** If a person subject to s. 968.077, having been released from
3 custody, intentionally violates the requirements of s. 968.077 (1), he or she is guilty
4 of the following:

5 (a) A Class A misdemeanor, if the offense with which the person was arrested
6 is a misdemeanor.

7 (b) A Class D felony, if the offense with which the person was arrested is a
8 felony.

9 **SECTION 2.** 968.077 of the statutes is created to read:

10 **968.077 Release of persons arrested for crimes against children;**
11 **contact prohibition.** (1) (a) If a person arrested and taken into custody for a
12 violation of s. 948.02, 948.025, 948.03, 948.09, 948.20 or 948.21 is released before his
13 or her initial appearance under s. 970.01, the arrested person shall, as a condition

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1 of his or her release, avoid the residence of the alleged victim of the crime and, if
2 applicable, any premises temporarily occupied by the alleged victim, and avoid
3 contacting or causing any person, other than law enforcement officers and attorneys
4 for the arrested person and alleged victim, to contact the alleged victim.

5 (b) The contact prohibition under par. (a) is in effect from the time of the release
6 of the arrested person until the person makes his or her initial appearance under s.
7 970.01, except that a court may adopt and continue the contact prohibition when
8 establishing conditions of release under s. 969.02 or 969.03.

9 (2) If a law enforcement officer or other person releases a person arrested for
10 a violation of s. 948.02, 948.025, 948.03, 948.09, 948.20 or 948.21 before the arrested
11 person's initial appearance under s. 970.01, the law enforcement officer or other
12 person shall inform the arrested person orally and in writing of the requirements
13 under sub. (1) and of the penalties under s. 946.49 (1m) to which the person may be
14 subject if he or she violates the requirements under sub. (1). The arrested person
15 shall sign an acknowledgment on the written notice that he or she has received notice
16 of the requirements under sub. (1) and that he or she understands the requirements
17 and the consequences of violating the requirements. If the arrested person refuses
18 to sign the notice, he or she may not be released from custody.

19 (3) The law enforcement agency responsible for the arrest of a person for a
20 violation of s. 948.02, 948.025, 948.03, 948.09, 948.20 or 948.21 shall notify the
21 parent or legal guardian of the alleged victim of the requirements under sub. (1).

22 (4) Notwithstanding s. 968.07, a law enforcement officer shall arrest and take
23 a person into custody if the officer has reasonable grounds to believe that the person
24 has violated sub. (1).

25 (END)