



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4095/1  
CMH:amn

## 2017 SENATE BILL 522

November 8, 2017 - Introduced by Senators VUKMIR, CRAIG, NASS and WANGGAARD, cosponsored by Representatives HUTTON, KOOYENGA, ALLEN, BRANDTJEN, E. BROOKS, R. BROOKS, HORLACHER, JACQUE, LOUDENBECK, ROHRKASTE, SANFELIPPO, SKOWRONSKI, WEATHERSTON and OTT. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT to amend** 969.035 (1), 969.08 (2), 969.08 (5) (a) 2., 969.08 (5) (a) 3., 969.08  
2           (5) (b) 3., 969.08 (5) (b) 5. and 969.08 (7) of the statutes; **relating to:** pretrial  
3           detention and denial and revocation of release.

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### *Analysis by the Legislative Reference Bureau*

Current law allows a court to deny pretrial release from custody to persons accused of first-degree intentional homicide, first-degree sexual assault, and sexual assault of a child or to persons accused of committing or attempting to commit a violent crime if the person had been previously convicted of committing or attempting to commit a violent crime. "Violent crime" is defined to include first-degree and second-degree intentional and reckless homicide, felony murder, aggravated battery, mayhem, first-degree sexual assault, and child abuse. This bill expands the definition of "violent crime" for this purpose to include taking hostages, kidnapping, arson, second-degree sexual assault, carjacking, robbery, abuse of individuals at risk under circumstances that cause death, child abduction, homicide by intoxicated use of a firearm or vehicle, strangulation and suffocation, and aggravated burglary.

Under current law, a court may revoke the release of a person who has been charged with a serious crime and released on bail if the person violates the conditions of the release and the alleged violation is also a serious crime. Under this bill, the court may revoke the release of the person if the alleged violation is any crime.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 969.035 (1) of the statutes is amended to read:

2           969.035 (1) In this section, “violent crime” means any crime specified in s.  
3           940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19 (5),  
4           940.195 (5), 940.21, 940.225 (1) or (2), 940.23, 940.235, 940.285 (2) (b) 1g., 940.305,  
5           940.31, 941.327, 943.02, 943.10 (2), 943.23 (1g), 943.32, 943.87, 948.02 (1) or (2),  
6           948.025, 948.03, ~~or 948.085~~, or 948.30 (2).

7           **SECTION 2.** 969.08 (2) of the statutes is amended to read:

8           969.08 (2) Violation of the conditions of release or the bail bond constitutes  
9           grounds for the court to increase the amount of bail or otherwise alter the conditions  
10          of release or, if the alleged violation is the commission of a ~~serious~~ crime, revoke  
11          release under this section.

12          **SECTION 3.** 969.08 (5) (a) 2. of the statutes is amended to read:

13          969.08 (5) (a) 2. Alleges that the defendant has violated the conditions of  
14          release by having committed a ~~serious~~ crime; and

15          **SECTION 4.** 969.08 (5) (a) 3. of the statutes is amended to read:

16          969.08 (5) (a) 3. Provides a copy of the complaint charging the commission of  
17          the ~~serious~~ crime specified in subd. 2.

18          **SECTION 5.** 969.08 (5) (b) 3. of the statutes is amended to read:

19          969.08 (5) (b) 3. Upon a finding by the court that the state has established by  
20          clear and convincing evidence that the defendant has committed a ~~serious~~ crime  
21          while on conditional release, the court may revoke the release of the defendant and

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1 hold the defendant for trial without setting conditions of release. No reference may  
2 be made during the trial of the offense to the court's finding in the hearing. No  
3 reference may be made in the trial to any testimony of the defendant at the hearing,  
4 except if the testimony is used for impeachment purposes. If the court does not find  
5 that the state has established by clear and convincing evidence that the defendant  
6 has committed a serious crime while on conditional release, the defendant shall be  
7 released on bail or other conditions deemed appropriate by the court.

8 **SECTION 6.** 969.08 (5) (b) 5. of the statutes is amended to read:

9 969.08 (5) (b) 5. The defendant may petition the court for reinstatement of  
10 conditions of release if any of the circumstances authorizing the revocation of release  
11 is altered. The altered conditions include, but are not limited to, the facts that the  
12 original complaint is dismissed, or the defendant is found not guilty of that offense  
13 ~~or the defendant is found guilty of a crime which is not a serious crime.~~

14 **SECTION 7.** 969.08 (7) of the statutes is amended to read:

15 969.08 (7) If a person is charged with the commission of a serious crime in a  
16 county other than the county in which the person was released on conditions, the  
17 district attorney and court may proceed under sub. (6) and certify the findings to the  
18 circuit court for the county in which the person was released on conditions. That  
19 circuit court shall make the release revocation decision based on the certified  
20 findings.

21 (END)