



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4583/1
PJH:amn&wlj

2015 ASSEMBLY BILL 981

March 10, 2016 – Introduced by Representatives GOYKE, BARNES, BOWEN, BROSTOFF, KESSLER, BERCEAU, CONSIDINE and ZAMARRIPA, cosponsored by Senators C. LARSON and L. TAYLOR. Referred to Committee on Judiciary.

1 **AN ACT** *to repeal* 59.52 (27), 165.755 (5), 302.46 (1) (d), 321.62 (2) (b), 345.23 (2)
2 (d), 345.61, 757.05 (1) (d), 757.34, 800.11 (1) (i), 946.49 (2), 950.04 (1v) (qm),
3 967.02 (3), 969.001 (intro.), 969.001 (1), 969.01 (3), 969.02 (1), 969.02 (2), 969.02
4 (2m), 969.02 (6), 969.02 (7), 969.02 (7m), 969.02 (8), 969.03, 969.04, 969.05,
5 969.065, 969.07, 969.12, 969.13, 969.14 and 973.20 (9m); **to renumber and**
6 **amend** 946.49 (1), 969.001 (2), 969.01 (1) and 969.01 (4); and **to amend** 16.846
7 (3), 29.03 (2) (d), 36.11 (1) (d), 83.016 (1), 103.60 (1), 114.09 (1) (b) 3., 114.105,
8 175.60 (3) (d), 175.60 (3) (d), 175.60 (9g) (a) 2., 175.60 (11) (a) 2. g., 175.60 (14)
9 (am), 289.33 (3) (d), 301.03 (7m), 321.62 (2) (c), subchapter III (title) of chapter
10 345 [precedes 345.11], 345.11 (2), 345.20 (2) (b), 345.28 (5) (c) 2., 345.28 (7),
11 345.315 (1), 345.32, 345.36 (1), 348.22, 753.30 (3) (a) 1., 755.14 (2), 757.26,
12 757.69 (1) (b), 781.04 (1), 782.18, 782.23, 782.29, 782.36, 784.05, 800.05 (1),
13 808.075 (4) (g) 1., 808.075 (4) (g) 2., 809.31 (6), 895.34, 895.346, 895.446 (4),
14 911.01 (4) (c), 938.18 (8), 938.35 (1) (cm), 940.48 (3), 940.49, 943.245 (3m),

ASSEMBLY BILL 981

1 943.51 (3r), 946.87 (2) (am), 967.04 (1), 967.08 (1), 967.08 (3) (a), 968.075 (2m),
2 chapter 969 (title), 969.01 (2) (a), 969.02 (title), 969.02 (3) (intro.), 969.02 (4m),
3 969.02 (5), 969.035 (5), 969.035 (7), 969.035 (8), 969.035 (10), 969.08 (title),
4 969.08 (1), 969.08 (2), 969.08 (5) (b) 3., 969.08 (5) (b) 4., 969.08 (8), 969.08 (9m),
5 969.09, 969.10, 969.11 (1), 969.11 (2), 970.02 (2), 970.03 (1), 970.03 (2), 971.14
6 (2) (am), 971.14 (2) (b), 971.14 (2) (d), 971.20 (9), 971.31 (6), 972.08 (2) and
7 973.15 (1) of the statutes; **relating to:** eliminating monetary bail as a condition
8 of release in criminal proceedings.

Analysis by the Legislative Reference Bureau

This bill eliminates monetary bail as a condition of release for a defendant charged with, or convicted of, a crime.

Under current law, a defendant who has been arrested for a criminal offense or a defendant who has been convicted of a crime and is awaiting sentencing may be released with monetary bail as a condition of release. Monetary bail may be satisfied by the execution of a bail bond with sufficient sureties or by payment of the indicated amount in cash. Current law allows a court to impose other conditions of release, including limitations on travel and requirements for the defendant to avoid alcohol or controlled substances, to avoid contact with certain persons, and to participate in certain programs. If the defendant fails to appear in subsequent proceedings or violates a condition of release, he or she forfeits the monetary bail.

Under the bill, a court is required to release a defendant before trial unless it finds, by clear and convincing evidence, that there is a substantial risk that the defendant will not appear for trial or will cause serious bodily harm to a member of the community or intimidate a witness if he or she is released. Under the bill, the court may not use the nature, number, and gravity of the offenses as the sole sufficient reason for refusing to release the defendant.

The bill also eliminates the practice of imposing a monetary bail on a witness to ensure the witness's appearance at trial, eliminates the use of monetary bail to compensate victims of crimes, and eliminates the use of monetary bail as a means of securing a person's appearance in a civil forfeiture action.

The bill allows the court to set nonmonetary conditions of release for defendants and for persons convicted of a crime but not sentenced or ordered to release upon or pending appeal.

ASSEMBLY BILL 981

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

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

1 **SECTION 1.** 16.846 (3) of the statutes is amended to read:

2 16.846 (3) All fines imposed and collected under this section shall be
3 transmitted to the county treasurer for disposition in accordance with s. 59.25 (3) (f)
4 and (j). All forfeitures, ~~including forfeitures of posted bail, if any,~~ imposed and
5 collected under this section shall be transmitted to the county treasurer for
6 disposition in accordance with ss. 778.13 and 778.17.

7 **SECTION 2.** 29.03 (2) (d) of the statutes is amended to read:

8 29.03 (2) (d) “Conviction” means a conviction, including any court conviction,
9 for any offense related to the preservation, protection, management, or restoration
10 of wildlife that is prohibited by state law, regulation, ordinance, resolution, or
11 administrative rule. “Conviction” shall also include ~~the forfeiture of any bail, bond,~~
12 ~~or other security deposited to secure appearance by a person charged with having~~
13 ~~committed the offense,~~ the payment of a penalty assessment or surcharge, a plea of
14 no contest, and the imposition of a deferred or suspended sentence by a court.

15 **SECTION 3.** 36.11 (1) (d) of the statutes is amended to read:

16 36.11 (1) (d) All fines imposed and collected under this subsection shall be
17 transmitted to the county treasurer for disposition in accordance with s. 59.25 (3) (f)
18 and (j). All forfeitures, ~~including forfeitures of posted bail if any,~~ imposed and
19 collected under this subsection shall be transmitted to the county treasurer for
20 disposition in accordance with ss. 778.13 and 778.17.

21 **SECTION 4.** 59.52 (27) of the statutes is repealed.

ASSEMBLY BILL 981

1 **SECTION 5.** 83.016 (1) of the statutes is amended to read:

2 83.016 (1) The county board, or one of its committees to which it may delegate
3 such authority, may appoint traffic officers for the enforcement of laws relating to the
4 highways or their use, or the maintenance of order upon or near the highways.
5 Traffic officers may arrest without warrant any person who, in their presence,
6 violates any law relating to highways or the maintenance of order upon or near
7 highways. Any traffic officer, sheriff, constable or other police officer may make such
8 arrest without warrant on the request of any other traffic officer, sheriff, constable
9 or police officer in whose presence any such offense has been committed. The
10 appointment of any traffic officer may be revoked at any time by the county board
11 or one of its committees to which it may delegate such authority. No traffic officer
12 shall receive or accept from or for any person he or she has arrested, any money or
13 other thing of value, ~~as or in lieu of bail or for the person's appearance before a court,~~
14 ~~or~~ to cover or be applied to the payment of fines or costs, or as a condition of such
15 person's release.

16 **SECTION 6.** 103.60 (1) of the statutes is amended to read:

17 103.60 (1) The rights to bail release that are accorded to persons accused of a
18 crime.

19 **SECTION 7.** 114.09 (1) (b) 3. of the statutes is amended to read:

20 114.09 (1) (b) 3. The court shall make a written report of all convictions,
21 ~~including bail or appearance money forfeitures,~~ obtained under this section to the
22 department, which shall send the report to the proper federal agency.

23 **SECTION 8.** 114.105 of the statutes is amended to read:

24 **114.105 Local regulation.** Any county, town, city or village may adopt any
25 ordinance in strict conformity with the provisions of this chapter and impose the

ASSEMBLY BILL 981

1 same penalty for violation of any of its provisions except that such ordinance shall
2 not provide for the suspension or revocation of pilot or aircraft licenses or certificates
3 and shall not provide for imprisonment except for failure to pay any fine which may
4 be imposed. No local authority shall enact any ordinance governing aircraft or
5 aeronautics or spacecraft or astronautics contrary to or inconsistent with the
6 provisions of this chapter or federal law. Every court in which a violation of such
7 ordinance is prosecuted shall make a written report of any conviction ~~(including bail~~
8 ~~or appearance money forfeiture)~~ to the federal aviation administration.

9 **SECTION 9.** 165.755 (5) of the statutes is repealed.

10 **SECTION 10.** 175.60 (3) (d) of the statutes is amended to read:

11 175.60 (3) (d) The court has prohibited the individual from possessing a
12 dangerous weapon under s. 969.02 (3) (c) or s. 969.03 (1) (c), 2013 stats.

13 **SECTION 11.** 175.60 (3) (d) of the statutes is amended to read:

14 175.60 (3) (d) The court has prohibited the individual from possessing a
15 dangerous weapon under s. 969.02 (3) (c) or 969.03 (1) (c), 2013 stats.

16 **SECTION 12.** 175.60 (9g) (a) 2. of the statutes is amended to read:

17 175.60 (9g) (a) 2. The department shall conduct a criminal history record
18 search and shall search its records and conduct a search in the national instant
19 criminal background check system to determine whether the applicant is prohibited
20 from possessing a firearm under federal law; whether the applicant is prohibited
21 from possessing a firearm under s. 941.29; whether the applicant is prohibited from
22 possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats.; whether the applicant
23 has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1.,
24 54.10 (3) (f) 1., or 55.12 (10) (a); whether the applicant is subject to an injunction
25 under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued

ASSEMBLY BILL 981

1 by a court established by any federally recognized Wisconsin Indian tribe or band,
2 except the Menominee Indian tribe of Wisconsin, that includes notice to the
3 respondent that he or she is subject to the requirements and penalties under s.
4 941.29 and that has been filed with the circuit court under s. 806.247 (3); and
5 whether the applicant is prohibited from possessing a firearm under s. 813.123 (5m)
6 or 813.125 (4m); and to determine if the court has prohibited the applicant from
7 possessing a dangerous weapon under s. 969.02 (3) (c) or s. 969.03 (1) (c), 2013 stats.
8 and if the applicant is prohibited from possessing a dangerous weapon as a condition
9 of release under s. 969.01.

10 **SECTION 13.** 175.60 (11) (a) 2. g. of the statutes is amended to read:

11 175.60 (11) (a) 2. g. A court has prohibited the individual from possessing a
12 dangerous weapon under s. 969.02 (3) (c) or s. 969.03 (1) (c), 2013 stats.

13 **SECTION 14.** 175.60 (14) (am) of the statutes is amended to read:

14 175.60 (14) (am) The department shall suspend a license issued under this
15 section if a court has prohibited the licensee from possessing a dangerous weapon
16 under s. 969.02 (3) (c) or 969.03 (1) (c). If the individual whose license was suspended
17 is no longer subject to the prohibition under s. 969.02 (3) (c) or s. 969.03 (1) (c), 2013
18 stats., whichever is applicable, sub. (3) (b), (c), (d), (e), (f), or (g) does not apply to the
19 individual, and the suspended license would not have expired under sub. (15) (a) had
20 it not been suspended, the department shall restore the license within 5 business
21 days of notification that the licensee is no longer subject to the prohibition.

22 **SECTION 15.** 289.33 (3) (d) of the statutes is amended to read:

23 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
24 authorization, approval, variance or exception or any restriction, condition of
25 approval or other restriction, regulation, requirement or prohibition imposed by a

ASSEMBLY BILL 981

1 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
2 a town, city, village, county or special purpose district, including without limitation
3 because of enumeration any ordinance, resolution or regulation adopted under s.
4 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),
5 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),
6 (25), and (26) ~~and (27)~~, 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15),
7 (19), (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8),
8 (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3),
9 (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16),
10 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70
11 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (7), (8),
12 and (10), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34,
13 61.35, 61.351, 61.353, 61.354, 62.11, 62.23, 62.231, 62.233, 62.234, 66.0101, 66.0415,
14 87.30, 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III
15 of ch. 91.

16 **SECTION 16.** 301.03 (7m) of the statutes is amended to read:

17 301.03 **(7m)** Supervise criminal defendants accepted into the custody of the
18 department under s. 969.02 (3) (a) or s. 969.03 (1) (a), 2013 stats. The department
19 shall charge the county that is prosecuting the defendant a fee for providing this
20 supervision. The department shall set the fee by rule.

21 **SECTION 17.** 302.46 (1) (d) of the statutes is repealed.

22 **SECTION 18.** 321.62 (2) (b) of the statutes is repealed.

23 **SECTION 19.** 321.62 (2) (c) of the statutes is amended to read:

24 321.62 **(2)** (c) A surety, guarantor, endorser, or other person subject to the
25 obligation, liability, court action, order, writ, or judgment under par. (a) ~~or (b)~~ may

ASSEMBLY BILL 981**SECTION 19**

1 waive in writing the rights afforded by this subsection, except that the waiver is not
2 valid unless the waiver is executed as an instrument separate from the obligation,
3 liability, court action, order, writ, or judgment. The waiver under this paragraph is
4 not valid after the beginning of the period of state active duty if executed by a service
5 member who subsequently is ordered into state active duty. The waiver under this
6 paragraph is not valid if executed by a dependent of a service member unless the
7 waiver is executed during the period of state active duty.

8 **SECTION 20.** Subchapter III (title) of chapter 345 [precedes 345.11] of the
9 statutes is amended to read:

CHAPTER 345**SUBCHAPTER III****ARRESTS, BAIL, PENALTIES**

13 **SECTION 21.** 345.11 (2) of the statutes is amended to read:

14 345.11 (2) The uniform traffic citation shall be on a form or in an automated
15 format recommended by the council on uniformity of traffic citations and complaints
16 and shall consist of a court report, a report of conviction for the department, a police
17 record and report of action on the case and a traffic citation. The form or automated
18 format shall provide for the name, address, birth date, operator's license number of
19 the alleged violator if known, the license number of the vehicle, the offense alleged,
20 the time and place of the offense, the section of the statute or ordinance violated, the
21 amount of deposit ~~or bail~~ for the offense, a designation of the offense in such manner
22 as can be readily understood by a person making a reasonable effort to do so, and any
23 other information as may be pertinent to the offense.

24 **SECTION 22.** 345.20 (2) (b) of the statutes is amended to read:

ASSEMBLY BILL 981

1 345.20 (2) (b) The trial of forfeiture actions in municipal court for the violation
2 of traffic regulations shall be governed by ch. 800. Provisions relating to the uniform
3 traffic citation in s. 345.11, to arrests in ss. 345.21 to 345.24, to deposits and pleas
4 of no contest under s. 345.26, and to the authority of the court under ss. 345.37,
5 345.47, 345.48 and 345.50 ~~and to guaranteed arrest bonds under s. 345.61~~ apply to
6 violations of ordinances to be tried in municipal court.

7 **SECTION 23.** 345.23 (2) (d) of the statutes is repealed.

8 **SECTION 24.** 345.28 (5) (c) 2. of the statutes is amended to read:

9 345.28 (5) (c) 2. If the person who was contacted under par. (b) 2. and who has
10 deposited his or her operator's license fails to appear in court at the date specified
11 by the officer under par. (b) 2. a. or set under s. 345.32, 345.34 or 345.36 or at any
12 subsequent court appearance for the nonmoving traffic violation, the person may be
13 deemed to have entered a plea of no contest. The court may accept the plea of no
14 contest, find the defendant guilty and, except as limited by sub. (6), proceed under
15 s. 345.47. If the court enters judgment under s. 345.47 (1), the court shall give notice
16 of the entry of judgment to the defendant by mailing a copy of the judgment to the
17 defendant's last-known address. The court shall also mail to the defendant's
18 last-known address a statement setting forth the actions the court may take under
19 s. 345.47 if the judgment is not paid. In lieu of accepting the plea of no contest, the
20 court may issue a warrant commanding that the person be arrested and brought
21 before the court. Unless the case is tried immediately with the person's consent, any
22 person who is arrested on a warrant issued under this subdivision ~~may~~ shall be
23 released on his or her own recognizance ~~or on posting bond or may be released~~
24 ~~without bail and shall be released if the person posts cash bail for his or her~~
25 ~~appearance.~~ The court may retain the person's license, but the person's operating

ASSEMBLY BILL 981

1 privilege may not be suspended until after judgment is entered under s. 345.47 and
2 the judgment is not paid.

3 **SECTION 25.** 345.28 (7) of the statutes is amended to read:

4 345.28 (7) Nothing in this section prevents a court from issuing a warrant
5 under s. 345.36 or 345.37 if the person appears in court in response to a citation for
6 a nonmoving traffic violation or after notice by the authority who issued the citation
7 or the department under sub. (4) with respect to the citation or on the date specified
8 by the officer or the court under sub. (5) and then fails to appear in court at any time
9 fixed by subsequent postponement. Unless the case is tried immediately with the
10 person's consent, any person who is arrested on a warrant issued under this
11 subsection may shall be released on his or her own recognizance ~~or on posting bond~~
12 ~~or may be released without bail and shall be released if the person posts cash bail for~~
13 ~~his or her appearance.~~

14 **SECTION 26.** 345.315 (1) of the statutes is amended to read:

15 345.315 (1) In traffic regulation and nonmoving traffic violation cases a person
16 charged with a violation may file a written request for a substitution of a different
17 judge for the judge originally assigned to the trial of that case. The written request
18 shall be filed not later than 7 days after the initial appearance in person or by an
19 attorney. If a new judge is assigned to the trial of a case and the defendant has not
20 exercised the right to substitute an assigned judge, a written request for the
21 substitution of the new judge may be filed within 10 days of the giving of actual notice
22 or sending of the notice of assignment to the defendant or the defendant's attorney.
23 If the notification occurs within 10 days of the date set for trial, the request shall be
24 filed within 48 hours of the giving of actual notice or sending of the notice of
25 assignment to the defendant or the defendant's attorney. If the notification occurs

ASSEMBLY BILL 981

1 within 48 hours of the trial or if there has been no notification, the defendant may
2 make an oral or written request for substitution prior to the commencement of the
3 proceedings. The judge against whom a request has been filed may ~~set initial bail~~
4 ~~and~~ accept a plea.

5 **SECTION 27.** 345.32 of the statutes is amended to read:

6 **345.32 Initial appearance before judge.** If a defendant is arrested and
7 brought without unreasonable delay before a judge who, or a court which, does not
8 have jurisdiction to try the case, the defendant shall be committed to await trial in
9 a court with jurisdiction and all papers shall be sent forthwith to that court. In lieu
10 of commitment, the judge ~~may~~ or the court to which the case is sent shall release the
11 defendant if the defendant posts bond for the defendant's appearance in such court,
12 ~~or the judge may release the defendant on the defendant's recognizance for such~~
13 ~~appearance, or the judge may release the defendant without bail. The court to which~~
14 ~~the case is sent may similarly release the defendant.~~

15 **SECTION 28.** 345.36 (1) of the statutes is amended to read:

16 345.36 (1) If the defendant pleads not guilty and requests a continuance the
17 court shall set a date for trial or advise the defendant that notice will later be sent
18 of the date set for trial. The court shall may release the defendant if he or she posts
19 ~~an appearance bond, or the court may release the defendant on recognizance or~~
20 ~~without bail.~~ A defendant not so released shall be committed to jail to await trial.

21 **SECTION 29.** 345.61 of the statutes is repealed.

22 **SECTION 30.** 348.22 of the statutes is amended to read:

23 **348.22 Courts to report weight violation convictions.** Whenever any
24 owner or operator is convicted of violating ss. 348.15 to 348.17 or any local ordinance
25 in conformity with ss. 348.15 to 348.17 or any ordinance enacted under s. 349.15 (3),

ASSEMBLY BILL 981

1 the clerk of the court in which the conviction occurred, or the judge or municipal
2 judge, if the court has no clerk, shall, within 48 hours after the conviction, forward
3 a record of conviction to the department. ~~Forfeiture of bail or appearance money or~~
4 ~~payment of a fine is a conviction within the meaning of this section.~~

5 **SECTION 31.** 753.30 (3) (a) 1. of the statutes is amended to read:

6 753.30 (3) (a) 1. The assistant chief deputy clerk or one of his or her deputies
7 shall be present at each session of the circuit court assigned criminal and traffic cases
8 and shall perform all ministerial acts required by and under the direction of the
9 judges, and when the court is not in session, ~~may take bail for the appearance of any~~
10 ~~person under arrest before the courts for a misdemeanor or a traffic violation, subject~~
11 ~~to revision by the courts; the clerk or one of his or her deputies, shall issue all~~
12 processes under the clerk's hand and the seal of the court and attest it in the name
13 of the judge, signing it by the title of office, and shall tax costs; the clerk or one of his
14 or her deputies, may issue warrants upon complaint filed in writing and upon oath
15 in all cases. The complaints, warrants, recognizance, commitments, attachments,
16 venires, subpoenas and all other writs and papers in the courts shall be in substance
17 in the form provided by rules duly adopted and published by the judicial conference.

18 **SECTION 32.** 755.14 (2) of the statutes is amended to read:

19 755.14 (2) ~~For any pending or appealable cases, the bail shall be delivered~~
20 ~~along with the case file to the proper clerk of court. Any other moneys received under~~
21 sub. (1) shall be delivered to the municipal treasurer as provided in s. 800.10 (2).

22 **SECTION 33.** 757.05 (1) (d) of the statutes is repealed.

23 **SECTION 34.** 757.26 of the statutes is amended to read:

24 **757.26 Court officers, liability of to arrest.** The officers of the several
25 courts of record shall be liable to arrest and may be held to bail confined or released

ASSEMBLY BILL 981

1 in the same manner as other persons, except during the actual sitting of any court
2 of which they are officers; and when sued with any other person such officers shall
3 be liable to arrest and may be ~~held to bail~~ confined or released as other persons during
4 the sitting of the court of which they are officers. No attorney or counselor may be
5 exempt from arrest during the sitting of a court of which he or she is an officer unless
6 he or she is employed in some case pending and then to be heard in the court.

7 **SECTION 35.** 757.34 of the statutes is repealed.

8 **SECTION 36.** 757.69 (1) (b) of the statutes is amended to read:

9 757.69 (1) (b) In criminal matters issue summonses, arrest warrants or search
10 warrants, determine probable cause to support a warrantless arrest, conduct initial
11 appearances of persons arrested, ~~set bail~~, inform the defendant in accordance with
12 s. 970.02 (1), refer the person to the authority for indigency determinations specified
13 under s. 977.07 (1), conduct the preliminary examination and arraignment, and,
14 with the consent of both the state and the defendant, accept a guilty plea. If a court
15 refers a disputed restitution issue under s. 973.20 (13) (c) 4., the circuit court
16 commissioner shall conduct the hearing on the matter in accordance with s. 973.20
17 (13) (c) 4.

18 **SECTION 37.** 781.04 (1) of the statutes is amended to read:

19 781.04 (1) In an action or proceeding seeking the remedy available by habeas
20 corpus, the court may ~~admit~~ order the prisoner ~~to bail~~ held or released in accordance
21 with ch. 969.

22 **SECTION 38.** 782.18 of the statutes is amended to read:

23 **782.18 Attachment may issue.** In case of attachment an order may be issued
24 to the officer or other person to whom such attachment is directed, commanding the
25 officer or person to bring, forthwith, before the court or judge, the party for whose

ASSEMBLY BILL 981**SECTION 38**

1 benefit such writ was allowed, who shall thereafter remain in the custody of such
2 officer or other person, until discharged, ~~bailed~~ released on conditions, or remanded.
3 In the execution of such attachment or order, the person executing it may call to the
4 person's aid the power of the county.

5 **SECTION 39.** 782.23 of the statutes is amended to read:

6 **782.23 Prisoner, when bailed released.** If it appear that the prisoner has
7 been legally committed for crime or if the prisoner appears, by the testimony offered
8 with the return upon the hearing thereof, to be guilty of crime, although the
9 commitment is irregular, the court or judge before whom the prisoner is brought shall
10 release the prisoner ~~on bail, if bailable and good bail be offered~~, or shall remand the
11 prisoner.

12 **SECTION 40.** 782.29 of the statutes is amended to read:

13 **782.29 Proceedings in absence of prisoner; appearance by attorney.**
14 When from sickness or infirmity the prisoner cannot without danger be brought
15 before the court or judge before whom the writ is made returnable the respondent
16 may state that fact in the return, verifying the same by oath. If satisfied of the truth
17 of such allegation and the return is otherwise sufficient, the court or judge shall
18 proceed to dispose of the matter. The prisoner may appear by attorney and plead to
19 the return. If it appears that the prisoner is illegally imprisoned the court or judge
20 shall order discharge forthwith; but if it appears that the person is legally imprisoned
21 and is not entitled to ~~bail~~ release all further proceedings thereon shall cease.

22 **SECTION 41.** 782.36 of the statutes is amended to read:

23 **782.36 Proceedings for unlawful detention.** If the person having such
24 prisoner in custody shall be brought before such officer as for a criminal offense the

ASSEMBLY BILL 981

1 person shall be examined, committed, ~~bailed~~ released on conditions, or discharged
2 by such officer in like manner as in other criminal cases of the like nature.

3 **SECTION 42.** 784.05 of the statutes is amended to read:

4 **784.05 When defendant held to bail arrested.** If the action is brought
5 against a person for usurping an office, the attorney general or person complaining,
6 in addition to the statement of the cause of action, may also set forth in the complaint
7 the name of the person rightfully entitled to the office, with a statement of the
8 person's right to the office. In such case, upon proof by affidavit that the defendant
9 has received fees or emoluments belonging to the office and by means of his or her
10 usurpation of the office, an order may be granted by a judge of the circuit court, by
11 a judge of the court of appeals or by a justice of the supreme court, if the action is
12 pending therein, for the arrest of the defendant ~~and holding him or her to bail~~; and
13 thereupon the defendant shall be arrested ~~and held to bail~~ in the manner and with
14 the same effect and subject to the same rights and liabilities as in other civil actions
15 when the defendant is subject to arrest.

16 **SECTION 43.** 800.05 (1) of the statutes is amended to read:

17 800.05 (1) A defendant may file a written request for a substitution of a new
18 judge for the municipal judge assigned to the trial of that case. The written request
19 shall be filed not later than 7 days after the initial appearance in person or by an
20 attorney. The municipal judge against whom a request has been filed may ~~set initial~~
21 ~~bail and~~ accept a plea of not guilty.

22 **SECTION 44.** 800.11 (1) (i) of the statutes is repealed.

23 **SECTION 45.** 808.075 (4) (g) 1. of the statutes is amended to read:

24 808.075 (4) (g) 1. Release ~~on bond~~ under s. 809.31 or 969.01 (2).

25 **SECTION 46.** 808.075 (4) (g) 2. of the statutes is amended to read:

ASSEMBLY BILL 981

1 808.075 (4) (g) 2. Modification or revocation of ~~bond~~ release or a condition of
2 release under s. 969.01 (2) (e) or 969.08.

3 **SECTION 47.** 809.31 (6) of the statutes is amended to read:

4 809.31 (6) The court ordering release shall ~~require the defendant to post a bond~~
5 ~~in accordance with s. 969.09 and may impose other terms and conditions of release.~~
6 The defendant shall file the bond in the trial court.

7 **SECTION 48.** 895.34 of the statutes is amended to read:

8 **895.34 Renewal of sureties upon becoming insufficient and effects**
9 **thereof.** If any bail bond, recognizance, undertaking or other bond or undertaking
10 given in any civil ~~or criminal~~ action or proceeding, becomes at any time insufficient,
11 the court or judge thereof, municipal judge or any magistrate before whom such
12 action or proceeding is pending, may, upon notice, require the plaintiff or defendant
13 to give a new bond, recognizance or undertaking. Every person becoming surety on
14 any such new bond, recognizance or undertaking is liable from the time the original
15 was given, the same as if he or she had been the original surety. If any person fails
16 to comply with the order made in the case the adverse party is entitled to any order,
17 judgment, remedy or process to which he or she would have been entitled had no
18 bond, recognizance or undertaking been given at any time.

19 **SECTION 49.** 895.346 of the statutes is amended to read:

20 **895.346 Bail, ~~deposit~~ Deposit in lieu of bond.** When any bond or
21 undertaking is authorized in any civil ~~or criminal~~ action or proceeding, the would-be
22 obligor may, in lieu thereof and with like legal effect, deposit with the proper court
23 or officer cash or certified bank checks or U.S. bonds or bank certificates of deposit
24 in an amount at least equal to the required security; and the receiver thereof shall

ASSEMBLY BILL 981

1 give a receipt therefor and shall notify the payor bank of any deposits of bank
2 certificates of deposit. Section 808.07 shall govern the procedure so far as applicable.

3 **SECTION 50.** 895.446 (4) of the statutes is amended to read:

4 895.446 (4) Any recovery under this section shall be reduced by the amount
5 recovered as restitution under ss. 800.093 and 973.20 and ch. 938 for the same act
6 or as recompense under s. 969.13 (5) (a), 2013 stats., for the same act.

7 **SECTION 51.** 911.01 (4) (c) of the statutes is amended to read:

8 911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or
9 rendition; sentencing, granting or revoking probation, modification of a bifurcated
10 sentence under s. 302.113 (9g), or adjustment of a bifurcated sentence under s.
11 973.195 (1r) or 973.198; issuance of subpoenas or warrants under s. 968.375, arrest
12 warrants, criminal summonses, and search warrants; hearings under s. 980.09 (2);
13 proceedings under s. 971.14 (1r) (c); proceedings with respect to pretrial release
14 under ch. 969 except where habeas corpus is utilized with respect to release on bail
15 or as otherwise as provided in ch. 969; or proceedings under s. 165.76 (6) to compel
16 provision of a biological specimen for deoxyribonucleic acid analysis.

17 **SECTION 52.** 938.18 (8) of the statutes is amended to read:

18 938.18 (8) ~~TRANSFER TO ADULT FACILITY; BAIL~~ RELEASE. When waiver is granted,
19 the juvenile, if held in secure custody, shall be transferred to an appropriate officer
20 or adult facility and shall be eligible for ~~bail~~ release in accordance with chs. 968 and
21 969.

22 **SECTION 53.** 938.35 (1) (cm) of the statutes is amended to read:

23 938.35 (1) (cm) In a court of civil or criminal jurisdiction for purposes of setting
24 ~~bail~~ conditions of release under ch. 969 or impeaching a witness under s. 906.09.

25 **SECTION 54.** 940.48 (3) of the statutes is amended to read:

ASSEMBLY BILL 981

1 940.48 (3) By the revocation of any form of pretrial release or forfeiture of bail
2 and the issuance of a bench warrant for the defendant's arrest or remanding the
3 defendant to custody. After hearing and on substantial evidence, the revocation may
4 be made whether the violation of order complained of has been committed by the
5 defendant personally or was caused or encouraged to have been committed by the
6 defendant.

7 **SECTION 55.** 940.49 of the statutes is amended to read:

8 **940.49 Pretrial release.** Any pretrial release of any defendant ~~whether on~~
9 ~~bail or under any other form of recognizance~~ shall be deemed to include a condition
10 that the defendant neither do, nor cause to be done, nor permit to be done on his or
11 her behalf, any act proscribed by ss. 940.42 to 940.45 and any willful violation of the
12 condition is subject to punishment as prescribed in s. 940.48 (3) whether or not the
13 defendant was the subject of an order under s. 940.47.

14 **SECTION 56.** 943.245 (3m) of the statutes is amended to read:

15 943.245 (3m) Any recovery under this section shall be reduced by the amount
16 recovered as restitution for the same act under ss. 800.093 and 973.20 or as
17 recompense under s. 969.13 (5) (a), 2013 stats., for the same act and by any amount
18 collected in connection with the act and paid to the plaintiff under a deferred
19 prosecution agreement under s. 971.41.

20 **SECTION 57.** 943.51 (3r) of the statutes is amended to read:

21 943.51 (3r) Any recovery under this section shall be reduced by the amount
22 recovered as restitution for the same act under ss. 800.093 and 973.20 or as
23 recompense under s. 969.13 (5) (a), 2013 stats., for the same act.

24 **SECTION 58.** 946.49 (1) of the statutes is renumbered 946.49, and 946.49
25 (intro.), as renumbered, is amended to read:

ASSEMBLY BILL 981

1 **946.49 Bail jumping Violations of conditions of release.** (intro.)

2 Whoever, having been released from custody under ch. 969, intentionally fails to
3 comply with the ~~terms of his or her bond~~ conditions of his or her release is:

4 **SECTION 59.** 946.49 (2) of the statutes is repealed.

5 **SECTION 60.** 946.87 (2) (am) of the statutes is amended to read:

6 946.87 (2) (am) Notwithstanding par. (a), property described in par. (a) is
7 subject to forfeiture if the person who violated s. 946.83 or 946.85 has not been
8 convicted, but he or she is a defendant in a criminal proceeding, is released, pending
9 trial, ~~on bail, as defined in s. 969.001~~ pursuant to ch. 969, and fails to appear in court
10 regarding the criminal proceeding. However, before making the final determination
11 of any action under this section, the court must determine that the party bringing
12 the action can prove the person committed the violation of s. 946.83 or 946.85.

13 **SECTION 61.** 950.04 (1v) (qm) of the statutes is repealed.

14 **SECTION 62.** 967.02 (3) of the statutes is repealed.

15 **SECTION 63.** 967.04 (1) of the statutes is amended to read:

16 967.04 (1) If it appears that a prospective witness may be unable to attend or
17 prevented from attending a criminal trial or hearing, that the prospective witness's
18 testimony is material and that it is necessary to take the prospective witness's
19 deposition in order to prevent a failure of justice, the court at any time after the filing
20 of an indictment or information may upon motion and notice to the parties order that
21 the prospective witness's testimony be taken by deposition and that any designated
22 books, papers, documents or tangible objects, not privileged, be produced at the same
23 time and place. ~~If a witness is committed pursuant to s. 969.01 (3), the court shall~~
24 ~~direct that the witness's deposition be taken upon notice to the parties.~~ After the
25 deposition has been subscribed, the court shall discharge the witness.

ASSEMBLY BILL 981

1 **SECTION 64.** 967.08 (1) of the statutes is amended to read:

2 967.08 (1) Unless good cause to the contrary is shown, proceedings referred to
3 in this section may be conducted by telephone or live audiovisual means, if available.

4 If the proceeding is required to be reported under SCR 71.01 (2), the proceeding shall

5 be reported by a court reporter who is in simultaneous voice communication with all

6 parties to the proceeding. Regardless of the physical location of any party to the call,

7 any plea, waiver, stipulation, motion, objection, decision, order or other action taken

8 by the court or any party shall have the same effect as if made in open court. With

9 the exceptions of scheduling conferences, pretrial conferences, and, during hours the

10 court is not in session, setting, review, modification of ~~bail and other~~ conditions of

11 release under ch. 969, the proceeding shall be conducted in a courtroom or other place

12 reasonably accessible to the public. Simultaneous access to the proceeding shall be

13 provided to persons entitled to attend by means of a loudspeaker or, upon request to

14 the court, by making a person party to the telephone call without charge.

15 **SECTION 65.** 967.08 (3) (a) of the statutes is amended to read:

16 967.08 (3) (a) Setting, review and modification of ~~bail and other~~ conditions of
17 release under ch. 969.

18 **SECTION 66.** 968.075 (2m) of the statutes is amended to read:

19 968.075 (2m) IMMEDIATE RELEASE PROHIBITED. Unless s. 968.08 applies, a law
20 enforcement officer may not release a person whose arrest was required under sub.

21 (2) until the person posts ~~bail under s. 969.07~~ or appears before a judge under s.

22 970.01 (1).

23 **SECTION 67.** Chapter 969 (title) of the statutes is amended to read:

24

CHAPTER 969

ASSEMBLY BILL 981**BAIL AND OTHER CONDITIONS OF
PRETRIAL RELEASE**

SECTION 68. 969.001 (intro.) of the statutes is repealed.

SECTION 69. 969.001 (1) of the statutes is repealed.

SECTION 70. 969.001 (2) of the statutes is renumbered 969.01 (1g) and amended to read:

969.01 (1g) DEFINITION. “Serious In this chapter, “serious bodily harm” means bodily injury which causes or contributes to the death of a human being or which creates a substantial risk of death or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

SECTION 71. 969.01 (1) of the statutes is renumbered 969.01 (1m) and amended to read:

969.01 (1m) BEFORE CONVICTION. Before conviction, except as provided in ss. 969.035 and 971.14 (1r), a defendant arrested for a criminal offense is eligible for release under reasonable conditions designed to assure his or her appearance in court, protect members of the community from serious bodily harm, or prevent the intimidation of witnesses. ~~Bail may be imposed at or after the initial appearance only upon a finding by the court that there is a reasonable basis to believe that bail is necessary to assure appearance in court. In determining whether any conditions of release are appropriate, the judge shall first consider the likelihood of the defendant appearing for trial if released on his or her own recognizance.~~

SECTION 72. 969.01 (2) (a) of the statutes is amended to read:

969.01 (2) (a) Release pursuant to s. 969.02 ~~or 969.03~~ may be allowed in the discretion of the trial court after conviction and prior to sentencing or the granting

ASSEMBLY BILL 981**SECTION 72**

1 of probation. This paragraph does not apply to a conviction for a 3rd or subsequent
2 violation that is counted as a suspension, revocation, or conviction under s. 343.307,
3 or under s. 940.09 (1) or 940.25 in the person's lifetime, or a combination thereof.

4 **SECTION 73.** 969.01 (3) of the statutes is repealed.

5 **SECTION 74.** 969.01 (4) of the statutes is renumbered 969.01 (4) (a) and
6 amended to read:

7 969.01 (4) (a) ~~If bail is imposed, it shall be only in the amount found necessary~~
8 ~~to assure the appearance of~~ The court shall release the defendant. unless it finds, by
9 clear and convincing evidence, that there is a substantial risk that the defendant will
10 not appear for trial, will cause serious bodily harm to a member of the community,
11 or intimidate a witness if he or she is released. The nature, number, and gravity of
12 the offenses may not solely constitute sufficient reason for refusing to release the
13 defendant.

14 (b) Conditions of release, other than monetary conditions, may be imposed for
15 the purpose of protecting members of the community from serious bodily harm or
16 preventing intimidation of witnesses. Proper considerations in determining
17 ~~whether to release the defendant without bail, fixing a reasonable amount of bail or~~
18 ~~imposing other reasonable conditions of release are: the ability of the arrested person~~
19 ~~to give bail,~~ the nature, number and gravity of the offenses and the potential penalty
20 the defendant faces, whether the alleged acts were violent in nature, the defendant's
21 prior record of criminal convictions and delinquency adjudications, if any, the
22 character, health, residence and reputation of the defendant, the character and
23 strength of the evidence which has been presented to the judge, whether the
24 defendant is currently on probation, extended supervision or parole, whether the
25 defendant is already ~~on bail or~~ subject to other release conditions in other pending

ASSEMBLY BILL 981

1 cases, whether the defendant has been bound over for trial after a preliminary
2 examination, whether the defendant has in the past forfeited bail, as defined in s.
3 969.001 (1), 2013 stats., or violated a condition of release or was a fugitive from
4 justice at the time of arrest, and the policy against unnecessary detention of the
5 defendant's pending trial. No judge may find that any monetary condition is
6 necessary to assure the defendant's appearance in court.

7 **SECTION 75.** 969.02 (title) of the statutes is amended to read:

8 **969.02 (title) Release Pretrial release of defendants charged with**
9 **misdemeanors.**

10 **SECTION 76.** 969.02 (1) of the statutes is repealed.

11 **SECTION 77.** 969.02 (2) of the statutes is repealed.

12 **SECTION 78.** 969.02 (2m) of the statutes is repealed.

13 **SECTION 79.** 969.02 (3) (intro.) of the statutes is amended to read:

14 969.02 (3) (intro.) ~~In addition to or in lieu of the alternatives under subs. (1)~~
15 ~~and (2), the~~ Upon determining that a defendant is eligible for pretrial release, a judge
16 may:

17 **SECTION 80.** 969.02 (4m) of the statutes is amended to read:

18 969.02 (4m) Any person who is charged with a misdemeanor crime and
19 released under this section shall comply with s. 940.49. The person shall be given
20 written notice of this requirement.

21 **SECTION 81.** 969.02 (5) of the statutes is amended to read:

22 969.02 (5) ~~Once bail has been given~~ conditions of release are set and a charge
23 is pending or is thereafter filed or transferred to another court, the latter court shall
24 continue the original bail conditions in that court subject to s. 969.08.

25 **SECTION 82.** 969.02 (6) of the statutes is repealed.

ASSEMBLY BILL 981

1 **SECTION 83.** 969.02 (7) of the statutes is repealed.

2 **SECTION 84.** 969.02 (7m) of the statutes is repealed.

3 **SECTION 85.** 969.02 (8) of the statutes is repealed.

4 **SECTION 86.** 969.03 of the statutes is repealed.

5 **SECTION 87.** 969.035 (5) of the statutes is amended to read:

6 969.035 (5) A pretrial detention hearing is a hearing before a court for the
7 purpose of determining if the continued detention of the defendant is justified. A
8 pretrial detention hearing may be held in conjunction with a preliminary
9 examination under s. 970.03 or a conditional release revocation hearing under s.
10 969.08 (5) (b), but separate findings shall be made by the court relating to the pretrial
11 detention, preliminary examination and conditional release revocation. The pretrial
12 detention hearing shall be commenced within 10 days from the date the defendant
13 is detained or brought before the court under sub. (4). The defendant may not be
14 denied release from custody in accordance with s. ~~969.03~~ 969.02 for more than 10
15 days prior to the hearing required by this subsection.

16 **SECTION 88.** 969.035 (7) of the statutes is amended to read:

17 969.035 (7) If the court does not make the findings under sub. (6) (a) and (b)
18 and the defendant is otherwise eligible, the defendant shall be released from custody
19 with or without conditions in accordance with s. ~~969.03~~ 969.02.

20 **SECTION 89.** 969.035 (8) of the statutes is amended to read:

21 969.035 (8) If the court makes the findings under sub. (6) (a) and (b), the court
22 may deny bail to the defendant for an additional period not to exceed 60 days
23 following the hearing. If the time period passes and the defendant is otherwise
24 eligible, he or she shall be released from custody with or without conditions in
25 accordance with s. ~~969.03~~ 969.02.

ASSEMBLY BILL 981

1 **SECTION 90.** 969.035 (10) of the statutes is amended to read:

2 969.035 (10) The defendant may petition the court to be released from custody
3 with or without conditions in accordance with s. ~~969.03~~ 969.02 at any time.

4 **SECTION 91.** 969.04 of the statutes is repealed.

5 **SECTION 92.** 969.05 of the statutes is repealed.

6 **SECTION 93.** 969.065 of the statutes is repealed.

7 **SECTION 94.** 969.07 of the statutes is repealed.

8 **SECTION 95.** 969.08 (title) of the statutes is amended to read:

9 **969.08** (title) ~~Grant, reduction, increase or revocation of~~ Amending
10 conditions of release; revocation of release.

11 **SECTION 96.** 969.08 (1) of the statutes is amended to read:

12 969.08 (1) Upon petition by the state or the defendant, the court before which
13 the action is pending may ~~increase or reduce the amount of bail or may alter other~~
14 ~~conditions~~ any condition of release ~~or the bail bond or grant bail if it has been~~
15 ~~previously revoked.~~ Except as provided in sub. (5), a defendant for whom conditions
16 of release are imposed and who after 72 hours from the time of initial appearance
17 before a judge continues to be detained in custody as a result of the defendant's
18 inability to meet the conditions of release, upon application, is entitled to have the
19 conditions reviewed by the judge of the court before whom the action against the
20 defendant is pending. Unless the conditions of release are amended and the
21 defendant is thereupon released, the judge shall set forth on the record the reasons
22 for requiring the continuation of the conditions imposed. A defendant who is ordered
23 released on a condition which requires that he or she return to custody after specified
24 hours, upon application, is entitled to a review by the judge of the court before whom
25 the action is pending. Unless the requirement is removed and the defendant

ASSEMBLY BILL 981**SECTION 96**

1 thereupon released on another condition, the judge shall set forth on the record the
2 reasons for continuing the requirement.

3 **SECTION 97.** 969.08 (2) of the statutes is amended to read:

4 969.08 (2) Violation of the conditions of release ~~or the bail bond~~ constitutes
5 grounds for the court to ~~increase the amount of bail or otherwise~~ alter the conditions
6 of release or, if the alleged violation is the commission of a serious crime, revoke
7 release under this section. No court may increase an amount of monetary bail set
8 before the effective date of this subsection [LRB inserts date].

9 **SECTION 98.** 969.08 (5) (b) 3. of the statutes is amended to read:

10 969.08 (5) (b) 3. Upon a finding by the court that the state has established by
11 clear and convincing evidence that the defendant has committed a serious crime
12 while on conditional release, the court may revoke the release of the defendant and
13 hold the defendant for trial without setting conditions of release. No reference may
14 be made during the trial of the offense to the court's finding in the hearing. No
15 reference may be made in the trial to any testimony of the defendant at the hearing,
16 except if the testimony is used for impeachment purposes. If the court does not find
17 that the state has established by clear and convincing evidence that the defendant
18 has committed a serious crime while on conditional release, the defendant shall be
19 released on ~~bail or other~~ conditions deemed appropriate by the court.

20 **SECTION 99.** 969.08 (5) (b) 4. of the statutes is amended to read:

21 969.08 (5) (b) 4. If the release of any defendant is revoked under subd. 3., the
22 defendant may demand and shall be entitled to be brought to trial on the offense with
23 respect to which he or she was formerly released on conditions within 60 days after
24 the date on which he or she appeared before the court under subd. 1. If the defendant
25 is not brought to trial within the 60-day period he or she shall not be held longer

ASSEMBLY BILL 981

1 without setting conditions of release and shall be released on ~~bail or other~~ conditions
2 deemed appropriate by the court. In computing the 60-day period, the court shall
3 omit any period of delay if the court finds that the delay results from a continuance
4 granted at the exclusive request of the defendant.

5 **SECTION 100.** 969.08 (8) of the statutes is amended to read:

6 969.08 (8) Information stated in, or offered in connection with, any order
7 entered under this chapter setting ~~bail or other~~ conditions of release need not
8 conform to the rules of evidence, except as provided under sub. (5) (b) 2. or s. 901.05.

9 **SECTION 101.** 969.08 (9m) of the statutes is amended to read:

10 969.08 (9m) A person who has had ~~bail~~ his or her release revoked under this
11 section is entitled to placement of his or her case on an expedited trial calendar and
12 his or her trial shall be given priority.

13 **SECTION 102.** 969.09 of the statutes is amended to read:

14 **969.09 Conditions of bond release.** (1) If a defendant is ~~admitted to bail~~
15 released before sentencing, the conditions of ~~the bond release~~ shall include, without
16 limitation, the requirements that the defendant will appear in the court having
17 jurisdiction on a day certain and thereafter as ordered until discharged on final order
18 of the court and that the defendant will submit to the orders and process of the court.

19 (2) If the defendant is ~~admitted to bail~~ released upon appeal, the conditions of
20 ~~the bond release~~ shall be that the defendant will duly prosecute the defendant's
21 appeal, that the defendant will appear at such time and place as the court directs,
22 and that if the judgment is affirmed or reversed and remanded for a new trial or
23 further proceedings upon notice after remittitur, the defendant will surrender to the
24 sheriff of the county in which the defendant was tried.

ASSEMBLY BILL 981

1 (3) A defendant shall receive a copy of the ~~bond which the defendant executes~~
2 pursuant to this chapter conditions of release set pursuant to this chapter.

3 **SECTION 103.** 969.10 of the statutes is amended to read:

4 **969.10 Notice of change of address.** A person who has been released ~~on bail~~
5 ~~or other conditions~~ under this chapter shall give written notice to the clerk of any
6 change in his or her address within 48 hours after the change. ~~This requirement~~
7 ~~shall be printed on all bonds.~~

8 **SECTION 104.** 969.11 (1) of the statutes is amended to read:

9 969.11 (1) If the defendant is arrested in a county other than the county in
10 which the offense was committed, he or she shall, without unreasonable delay, either
11 be brought before a judge of the county in which arrested for the purpose of setting
12 ~~bail or other~~ conditions of release or be returned to the county in which the offense
13 was committed. The judge shall release him or her on conditions imposed in
14 accordance with this chapter to appear before a court in the county in which the
15 offense was committed at a specified time and place.

16 **SECTION 105.** 969.11 (2) of the statutes is amended to read:

17 969.11 (2) If the defendant is released on ~~bail or other~~ conditions pursuant to
18 sub. (1), the judge shall make a record of the proceedings and shall certify his or her
19 minutes thereof ~~and shall forward the bond and bail to the court before whom the~~
20 ~~defendant is bound to appear.~~

21 **SECTION 106.** 969.12 of the statutes is repealed.

22 **SECTION 107.** 969.13 of the statutes is repealed.

23 **SECTION 108.** 969.14 of the statutes is repealed.

24 **SECTION 109.** 970.02 (2) of the statutes is amended to read:

ASSEMBLY BILL 981

1 970.02 (2) The judge shall ~~admit the defendant to bail~~ release the defendant
2 and set conditions of release or refuse to release the defendant in accordance with
3 ch. 969.

4 **SECTION 110.** 970.03 (1) of the statutes is amended to read:

5 970.03 (1) A preliminary examination is a hearing before a court for the
6 purpose of determining if there is probable cause to believe a felony has been
7 committed by the defendant. ~~A preliminary examination may be held in conjunction~~
8 ~~with a bail revocation hearing under s. 969.08 (5) (b), but separate findings shall be~~
9 ~~made by the judge relating to the preliminary examination and to the bail revocation.~~

10 **SECTION 111.** 970.03 (2) of the statutes is amended to read:

11 970.03 (2) The preliminary examination shall be commenced within 20 days
12 after the initial appearance of the defendant if the defendant has been released from
13 custody or within 10 days if the defendant is in custody ~~and bail has been fixed in~~
14 ~~excess of \$500.~~ On stipulation of the parties or on motion and for cause, the court may
15 extend such time.

16 **SECTION 112.** 971.14 (2) (am) of the statutes is amended to read:

17 971.14 (2) (am) Notwithstanding par. (a), if the court orders the defendant to
18 be examined by the department or a department facility, the department shall
19 determine where the examination will be conducted, who will conduct the
20 examination and whether the examination will be conducted on an inpatient or
21 outpatient basis. Any such outpatient examination shall be conducted in a jail or a
22 locked unit of a facility. In any case under this paragraph in which the department
23 determines that an inpatient examination is necessary, the 15-day period under par.
24 (c) begins upon the arrival of the defendant at the inpatient facility. If an outpatient
25 examination is begun by or through the department, and the department later

ASSEMBLY BILL 981

1 determines that an inpatient examination is necessary, the sheriff shall transport
2 the defendant to the inpatient facility designated by the department, unless the
3 defendant has been released ~~on bail~~.

4 **SECTION 113.** 971.14 (2) (b) of the statutes is amended to read:

5 971.14 (2) (b) If the defendant has been released ~~on bail~~, the court may not
6 order an involuntary inpatient examination unless the defendant fails to cooperate
7 in the examination or the examiner informs the court that inpatient observation is
8 necessary for an adequate examination.

9 **SECTION 114.** 971.14 (2) (d) of the statutes is amended to read:

10 971.14 (2) (d) If the court orders that the examination be conducted on an
11 inpatient basis, the sheriff of the county in which the court is located shall transport
12 any defendant not ~~free on bail~~ released to the examining facility within a reasonable
13 time after the examination is ordered and shall transport the defendant to the jail
14 within a reasonable time after the sheriff and county department of community
15 programs of the county in which the court is located receive notice from the
16 examining facility that the examination has been completed.

17 **SECTION 115.** 971.20 (9) of the statutes is amended to read:

18 971.20 (9) JUDGE'S AUTHORITY TO ACT. Upon the filing of a request for
19 substitution in proper form and within the proper time, the judge whose substitution
20 has been requested has no authority to act further in the action except to conduct the
21 initial appearance, and accept pleas ~~and set bail~~.

22 **SECTION 116.** 971.31 (6) of the statutes is amended to read:

23 971.31 (6) If the court grants a motion to dismiss based upon a defect in the
24 indictment, information or complaint, or in the institution of the proceedings, it may
25 order that the defendant be held in custody or that the ~~defendant's bail be continued~~

ASSEMBLY BILL 981

1 defendant remain released for not more than 72 hours pending issuance of a new
2 summons or warrant or the filing of a new indictment, information or complaint.

3 **SECTION 117.** 972.08 (2) of the statutes is amended to read:

4 972.08 (2) Whenever a witness attending in any court trial or appearing before
5 any grand jury or John Doe investigation under s. 968.26 fails or refuses without just
6 cause to comply with an order of the court under this section to give testimony in
7 response to a question or with respect to any matter, the court, upon such failure or
8 refusal, or when such failure or refusal is duly brought to its attention, may
9 summarily order the witness's confinement at a suitable place until such time as the
10 witness is willing to give such testimony or until such trial, grand jury term, or John
11 Doe investigation under s. 968.26 is concluded but in no case exceeding one year. No
12 person confined under this section ~~shall be admitted to bail~~ may be released pending
13 the determination of an appeal taken by the person from the order of confinement.

14 **SECTION 118.** 973.15 (1) of the statutes is amended to read:

15 973.15 (1) Except as provided in s. 973.032, all sentences to the Wisconsin state
16 prisons shall be for one year or more. Except as otherwise provided in this section,
17 all sentences commence at noon on the day of sentence, but time which elapses after
18 sentence while the convicted offender is ~~at large on bail~~ upon release by a court shall
19 not be computed as any part of the term of imprisonment.

20 **SECTION 119.** 973.20 (9m) of the statutes is repealed.

21 (END)