

No. 277, S.]

[Published July 14, 1927.]

CHAPTER 333.

AN ACT to repeal section 358.13, and to create a new section 358.13, and section 358.14 of the statutes, relating to stay of execution upon appeal in criminal cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 358.13 of the statutes is repealed.

SECTION 2. Two new sections are added to the statutes to be numbered and to read: 358.13 In all cases in which a writ of error is authorized by law to be issued by the supreme court to review any judgment or order in a criminal case, the party entitled to obtain such writ, in lieu thereof, may take an appeal from such judgment or order to the supreme court to obtain such review, by serving notice of appeal and procuring return to be made in the manner provided by law in civil cases. The time within which a writ of error may be issued or an appeal taken to obtain a review by the supreme court of any judgment or order in any criminal case is limited to one year from the date of entry of such judgment or order, provided that this limitation shall not become effective until one year after its passage and publication.

358.14 When a person not convicted of an offense punishable by imprisonment for life, shall take an appeal or procure a writ of error, the trial court at any time before the record is filed in the supreme court, or a justice of the supreme court thereafter, shall have power by express order to stay execution of the judgment pending such appeal or writ of error in case such trial court or justice shall certify that upon the record there is reasonable doubt that the judgment should stand. No stay shall be granted except upon reasonable prior notice to the prosecuting attorney or attorney-general. In case such stay is granted the accused shall recognize to the state of Wisconsin in such sum as the court or justice ordering such stay shall determine, with sufficient sureties, for his appearance in the supreme court at the current or next term thereof, to prosecute his appeal or writ of error with effect, and to abide the sentence thereon, and in the meantime, keep the peace and be of good behavior.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 13, 1927.