State of Wisconsin
2021 - 2022 LEGISLATURE

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LRB–5359/1
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2021 SENATE BILL 856

January 13, 2022 - Introduced by Senators BRADLEY, NASS, JACQUE, KAPENGA, KOOYENGA, STROEBEL and TESTIN, cosponsored by Representatives WICHGERS, KNODL, SANFELIPPO, ALLEN, BEHNKE, BRANDTJEN, GUNDRUM, KUGLITSCH, MURPHY and SKOWRONSKI. Referred to Committee on Judiciary and Public Safety.

1 AN ACT *to amend* 969.02 (1), 969.02 (8) and 969.03 (1) (intro.); and *to create*

2 969.02 (2g) and 969.03 (1g) of the statutes; **relating to:** bail for criminal

3 defendants who have a previous conviction for a felony or violent misdemeanor.

Analysis by the Legislative Reference Bureau

Under current law, a judge may release a person charged with a crime without bail, or may release the defendant only if he or she executes an unsecured appearance bond, or may require a defendant to execute a secured bond to be released. Under this bill, a judge may not release a defendant without bail or on an unsecured bond if the defendant has a previous conviction for a felony or a violent misdemeanor. Such a defendant may be released only if he or she executes a secured bond or deposits cash in lieu of a bond in an amount of at least $10,000.

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:

4 SECTION 1. 969.02 (1) of the statutes is amended to read:

1   969.02 **(1)** ~~A~~ <u>Except as provided in sub. (2g), a</u> judge may release a defendant

2   charged with a misdemeanor without bail or may permit the defendant to execute

3   an unsecured appearance bond in an amount specified by the judge.

4   **SECTION 2.** 969.02 (2g) of the statutes is created to read:

5   969.02 **(2g)** If a defendant has a previous conviction for a felony, as defined in

6   s. 939.60, or a violent misdemeanor, as defined in s. 941.29 (1g) (b), a judge may

7   release the defendant only if the judge requires the defendant to execute an

8   appearance bond with sufficient solvent sureties, or requires the deposit of cash in

9   lieu of sureties, in an amount not less than $10,000. If the judge requires a deposit

10   of cash in lieu of sureties, the person making the cash deposit shall be given written

11   notice of the requirements of sub. (6).

12   **SECTION 3.** 969.02 (8) of the statutes is amended to read:

13   969.02 **(8)** ~~In~~ <u>Except as provided in sub. (2g), in</u> all misdemeanors, bail shall

14   not exceed the maximum fine provided for the offense.

15   **SECTION 4.** 969.03 (1) (intro.) of the statutes is amended to read:

16   969.03 **(1)** (intro.) ~~A~~ <u>Except as provided in sub. (1g), a</u> defendant charged with

17   a felony may be released by the judge without bail or upon the execution of an

18   unsecured appearance bond ~~or the~~<u>. The</u> judge may in addition to requiring the

19   execution of an appearance bond or in lieu thereof impose one or more of the following

20   conditions which will assure appearance for trial:

21   **SECTION 5.** 969.03 (1g) of the statutes is created to read:

22   969.03 **(1g)** If a defendant has a previous conviction for a felony, as defined in

23   s. 939.60, or a violent misdemeanor, as defined in s. 941.29 (1g) (b), a judge may

24   release the defendant under sub. (1) only if the judge requires the defendant to

1   execute an appearance bond with sufficient solvent sureties, or requires the deposit

2   of cash in lieu of sureties under sub. (1) (d), in an amount not less than $10,000.

3   S<small>ECTION</small> 6. **Nonstatutory provisions.**

4   (1) L<small>EGISLATIVE INTENT</small>. The intent of the legislature is to follow the principles

5   relating to bail enumerated in article I, section 8, of the Wisconsin Constitution. The

6   legislature has found that a person with a history of violent crime has an increased

7   flight risk, and therefore further finds that there is a reasonable basis to believe that

8   a minimum amount of monetary bail is necessary to assure the appearance in court

9   of a person who has previously been convicted of a felony or violent misdemeanor.

10   **(END)**