



## 2021 SENATE BILL 858

January 13, 2022 - Introduced by Senators BRADLEY, NASS, JACQUE, KAPENGA, KOOYENGA, STROEBEL, TESTIN and FELZKOWSKI, 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 bail jumping.

---

### *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 bail jumping. 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 \$5,000.

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:

**SENATE BILL 858****SECTION 1**

1           969.02 (1) ~~A~~ Except as provided in sub. (2g), a 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 bail jumping under s.  
6 946.49, a judge may release the defendant only if the judge requires the defendant  
7 to execute an appearance bond with sufficient solvent sureties, or requires the  
8 deposit of cash in lieu of sureties, in an amount not less than \$5,000. If the judge  
9 requires a deposit of cash in lieu of sureties, the person making the cash deposit shall  
10 be given written notice of the requirements of sub. (6).

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

12           969.02 (8) ~~In~~ Except as provided in sub. (2g), in all misdemeanors, bail shall  
13 not exceed the maximum fine provided for the offense.

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

15           969.03 (1) (intro.) ~~A~~ Except as provided in sub. (1g), a defendant charged with  
16 a felony may be released by the judge without bail or upon the execution of an  
17 unsecured appearance bond ~~or the~~. The judge may in addition to requiring the  
18 execution of an appearance bond or in lieu thereof impose one or more of the following  
19 conditions which will assure appearance for trial:

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

21           969.03 (1g) If a defendant has a previous conviction for bail jumping under s.  
22 946.49, a judge may release the defendant under sub. (1) only if the judge requires  
23 the defendant to execute an appearance bond with sufficient solvent sureties, or

**SENATE BILL 858**

1 requires the deposit of cash in lieu of sureties under sub. (1) (d), in an amount not  
2 less than \$5,000.

3 (END)