



1997 SENATE BILL 82

February 19, 1997 - Introduced by Senators BUETTNER, GROBSCHMIDT, RUDE, SCHULTZ, FITZGERALD and DARLING, cosponsored by Representatives DOBYNS, DUFF, SCHAFER, SKINDRUD, HAHN, GOETSCH, RYBA, M. LEHMAN, F. LASEE, MURAT, WOOD, ZIEGELBAUER, OWENS, GROTHMAN, MUSSER, OLSEN and KELSO. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 **AN ACT to consolidate, renumber and amend** 969.02 (2) (intro.) and (b); and
2 **to amend** 969.02 (6), 969.03 (1) (d) and 969.03 (4) of the statutes; **relating to:**
3 applying cash deposited for bail to restitution payments ordered in criminal
4 cases.

Analysis by the Legislative Reference Bureau

Under current law, a judge may set conditions of release for a person charged with a crime (a defendant) that are designed to assure the defendant's appearance in court. A judge may require the defendant to execute an unsecured appearance bond in a specified amount or, as an alternative to an unsecured appearance bond, a judge may require the defendant to execute an appearance bond in a specified amount. The amount specified in an appearance bond must be either posted as a cash deposit or guaranteed by solvent sureties. If the defendant is convicted and ordered to pay a fine or court costs or both, any cash deposited for an appearance bond must be applied to the payment of the fine and costs, with any remaining amount returned to the defendant.

This bill provides that if a defendant is convicted, ordered to pay a fine or court costs or both and ordered to pay restitution to the victim of the crime, any cash deposited for an appearance bond must first be applied to the payment of the restitution and then, if restitution is fully satisfied, to the payment of the fine and costs imposed on the defendant, with any amount remaining after the payment of restitution, fines and costs returned to the defendant. If a defendant is not ordered to pay restitution, any cash deposited for an appearance bond would, as under

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current law, be applied to pay any fine and costs imposed on the defendant. The bill also requires that a person who deposits cash for an appearance bond must be notified that, if the defendant is convicted, the money will be applied to the payment of any restitution, fines and costs that the defendant is ordered to pay in the case in which the cash deposit was made.

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.** 969.02 (2) (intro.) and (b) of the statutes are consolidated,
2 renumbered 969.02 (2) and amended to read:

3 969.02 (2) In lieu of release pursuant to sub. (1), the judge may: ~~(b) Require~~
4 require the execution of an appearance bond with sufficient solvent sureties, or the
5 deposit of cash in lieu thereof of sureties. If the judge requires a deposit of cash in
6 lieu of sureties, the person making the cash deposit shall be given written notice of
7 the requirements of sub. (6).

8 **SECTION 2.** 969.02 (6) of the statutes is amended to read:

9 969.02 (6) When a judgment for a fine or costs or both of conviction is entered
10 in a prosecution in which a deposit had been made in accordance with sub. (2), the
11 balance of such deposit, after deduction of the bond costs, shall be applied first to the
12 payment of any restitution ordered under s. 973.20 and then, if ordered restitution
13 is satisfied in full, to the payment of the any judgment for a fine or costs or both.

14 **SECTION 3.** 969.03 (1) (d) of the statutes is amended to read:

15 969.03 (1) (d) Require the execution of an appearance bond with sufficient
16 solvent sureties, or the deposit of cash in lieu of sureties. If the judge requires a
17 deposit of cash in lieu of sureties, the person making the cash deposit shall be given
18 written notice of the requirements of sub. (4).

