

## 1999 ASSEMBLY BILL 109

February 9, 1999 – Introduced by Representatives LADWIG, KESTELL, AINSWORTH, ALBERS, BRANDEMUEHL, FREESE, GOETSCH, HUEBSCH, KAUFERT, KREIBICH, J. LEHMAN, MONTGOMERY, MUSSER, OWENS, PLALE, PORTER, RYBA, SINICKI, SKINDRUD, STONE, SYKORA and ZIEGELBAUER, cosponsored by Senators PLACHE, DARLING, HUELSMAN, LAZICH, PANZER and ROESSLER. Referred to Committee on Judiciary and Personal Privacy.

- 1 **AN ACT to amend** 969.05 (2); and **to create** 968.077 and 969.05 (3) of the statutes;
- 2 **relating to:** release of persons arrested for certain crimes against children.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a person arrested for or charged with a crime is generally eligible for release while awaiting trial, though persons charged with certain serious crimes may in some cases be denied release. A person released before trial may be required to abide by reasonable conditions designed to assure his or her appearance in court, protect members of the community from serious bodily harm and prevent the intimidation of witnesses.

Conditions of release, including monetary conditions of release (bail), are generally imposed by a judge at the time the person makes his or her first appearance in court. However, if a judge issues an arrest warrant in a misdemeanor case, the judge may endorse upon the warrant the amount of bail. Likewise, if a judge issues an arrest warrant in a felony case, the judge may endorse upon the warrant the amount and method of posting bail. In addition, the judicial conference is authorized to develop guidelines for bail for persons arrested for misdemeanors. Using these guidelines, a law enforcement officer may take bail from an arrested person and release the person to appear in court on a specified date. If an arrested person is not released from custody by the arresting law enforcement agency before his or her first appearance in court, the person must be taken within a reasonable time before a judge in the county in which the offense was alleged to have been committed.

This bill provides that a person arrested and taken into custody for certain felony offenses against children may not be released until a court has established

