

2007 SENATE JOINT RESOLUTION 29

March 21, 2007 – Introduced by Senators A. LASEE, COWLES, SCHULTZ, LEIBHAM and GROTHMAN, cosponsored by Representatives KAUFERT, F. LASEE, GUNDERSON, BALLWEG, KERKMAN, MUSSER, HAHN, ROTH, LOTHIAN, VAN ROY, VOS, J. OTT and KLEEFISCH. Referred to Committee on Judiciary and Corrections.

1 **To amend** section 8 (2) of article I of the constitution; **relating to:** eligibility for
2 release before conviction (first consideration).

Analysis by the Legislative Reference Bureau

Currently, the Wisconsin Constitution provides that a person who is charged with a crime is generally eligible for release before trial, although the court may impose conditions of release. The Wisconsin Constitution further provides that the legislature may authorize, but not require, courts to deny pre-trial release to a person who is accused of committing first-degree homicide or certain sexual assaults, or to a person who is accused of committing or attempting to commit a violent crime if the person has a previous conviction for committing or attempting to commit a violent crime. The statutes currently provide courts such authority to deny pre-trial release.

This proposed constitutional amendment, proposed to the 2007 legislature on first consideration, provides that a person who is present in the United States illegally and who is charged with a violent felony is not eligible for release before trial if the state presents clear and convincing evidence that the person committed the violent felony.

A proposed constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

3 **Resolved by the senate, the assembly concurring, That:**

4 **SECTION 1.** Section 8 (2) of article I of the constitution is amended to read:

