

Fiscal Estimate Narratives

CTS 1/24/2022

LRB Number	21-5644/1	Introduction Number	AB-0838	Estimate Type	Original
Description bail for criminal defendants who have a previous conviction for a felony or violent misdemeanor					

Assumptions Used in Arriving at Fiscal Estimate

Current law permits a judge to release a person charged with a crime without requiring bail, or may release the defendant if he or she executes an unsecured appearance bond, or may require the defendant to execute a secured bond in order to be released.

This bill prohibits a judge from releasing a person charged with a crime if the person has a previous conviction for a felony or a violent misdemeanor. Those individuals may be released only if they execute a secured bond or deposit cash in lieu of a bond in an amount of at least \$10,000.

The bill also includes a nonstatutory provision indicating that the legislature intends to follow the principles relating to bail enumerated in article I, section 8, of the Wisconsin Constitution.

Judges and court commissioners will have to receive additional training regarding the implementation of this new law change and apply the law to all criminal cases. The bill, as written, requires the Judge, rather than the District Attorney's Office, to enforce the requirements of the bill under s. 969.02. This will result in additional time at bond hearings to determine the appropriate bail conditions.

The state fiscal effect is indeterminate.

The bill is likely to increase costs at the local level, as the counties will be required to hold charged individuals in jails who have a previous conviction for a felony or violent misdemeanor. Under current law, those individuals were not subject to mandatory bail requirements, and thus were not necessarily under confinement.

Long-Range Fiscal Implications

Counties will incur ongoing jail costs relating to confining individuals who are charged with a felony or violent misdemeanor who are unable to execute a secured bond or deposit cash under the terms of the bill. The increase in the number of charged individuals who would be confined under the bill are unknown.