

1973 Senate Bill 189

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CHAPTER 45 , Laws of 1973

AN ACT to amend 970.02 (1) (a) and (c) and 971.02 (title) and (1) of the statutes, relating to the right to a preliminary examination for persons accused of a felony.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 970.02 (1) (a) and (c) of the statutes are amended to read:

970.02 (1) (a) Of the charge against him and shall furnish the defendant with a copy of the complaint which shall contain the possible penalties for the offenses set forth therein. In the case of a felony, the judge shall also inform the defendant of the penalties for the felony with which the defendant is charged.

(c) That he is entitled to a preliminary examination if charged with a felony in any complaint, including a complaint issued under s. 968.26, or when the defendant has been returned to this state for prosecution through extradition proceedings under ch. 976, or any indictment, unless waived in writing or in open court, or unless he ~~has been returned to this state by extradition proceedings pursuant to ch. 976~~ or is a corporation.

SECTION 2. 971.02 (title) and (1) of the statutes are amended to read:

971.02 (title) Preliminary examination; when prerequisite to an information or indictment. (1) ~~No~~ If the defendant is charged with a felony in any complaint, including a complaint issued under s. 968.26, or when the defendant has been returned to this state for prosecution through extradition proceedings under ch. 976, or any indictment, no information or indictment shall be filed until the defendant has had a preliminary examination, unless he waives such examination, ~~except that informations may be filed without an examination against defendants who are involuntarily returned to the state under ch. 976 and against corporations in writing or in open court or unless he is a corporation.~~ The omission of the preliminary examination shall not invalidate any information unless the defendant moves to dismiss prior to the entry of a plea.
