



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 452**

January 6, 1998 - Offered by COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS.

1 **AN ACT to amend** 969.05 (1), 969.05 (2) and 969.07; and **to create** 968.077 and
2 969.05 (3) of the statutes; **relating to:** release of persons arrested for certain
3 crimes against children.

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

4 **SECTION 1.** 968.077 of the statutes is created to read:

5 **968.077 Release of persons arrested for certain crimes against**
6 **children.** A person arrested and taken into custody for a violation of s. 948.02,
7 948.025, 948.03, 948.09, 948.20 or 948.21 may not be released until a court has
8 established conditions of release for the person under s. 969.02 or 969.03.

9 **SECTION 2.** 969.05 (1) of the statutes is amended to read:

10 969.05 (1) ~~In~~ Except as provided in sub. (3), in misdemeanor actions, the judge
11 who issues a warrant may endorse upon the warrant the amount of bail.

12 **SECTION 3.** 969.05 (2) of the statutes is amended to read:

1 969.05 (2) ~~The~~ Except as provided in sub. (3), the amount and method of posting
2 bail may be ~~indorsed~~ endorsed upon felony warrants.

3 **SECTION 4.** 969.05 (3) of the statutes is created to read:

4 969.05 (3) A warrant issued for a person for a violation of s. 948.02, 948.025,
5 948.03, 948.09, 948.20 or 948.21 may not be endorsed with the amount or method of
6 posting bail.

7 **SECTION 5.** 969.07 of the statutes is amended to read:

8 **969.07 Taking of bail by law enforcement officer.** ~~When~~ Subject to s.
9 968.077, when bail has been set for a particular defendant, any law enforcement
10 officer may take bail in accordance with s. 969.02 and release the defendant to appear
11 in accordance with the conditions of the appearance bond. Bail shall not be required
12 of a defendant who has been cited for commission of a misdemeanor in accordance
13 with s. 968.085. The law enforcement officer shall give a receipt to the defendant for
14 the bail so taken and within a reasonable time deposit the bail with the clerk of court
15 before whom the defendant is to appear. Bail taken by a law enforcement officer may
16 be taken only at a sheriff's office or police station. The receipts shall be numbered
17 serially and shall be in triplicate, one copy for the defendant, one copy to be filed with
18 the clerk and one copy to be filed with the police or sheriff's department which takes
19 the bail. This section does not require the release of a defendant from custody when
20 an officer is of the opinion that the defendant is not in a fit condition to care for his
21 or her own safety or would constitute, because of his or her physical condition, a
22 danger to the safety of others. If a defendant is not released under this section, s.
23 970.01 shall apply.

24

(END)