

State of Misconsin 1997 - 1998 LEGISLATURE

## ASSEMBLY SUBSTITUTE AMENDMENT 2, TO 1997 ASSEMBLY BILL 452

January 20, 1998 – Offered by Representatives LADWIG and GOETSCH.

1 AN ACT to amend 969.05 (2) and 969.07; and to create 968.077 and 969.05 (3)

2 of the statutes; relating to: release of persons arrested for certain crimes
3 against children.

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

4	<b>SECTION 1.</b> 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 any violation of s. 948.02,
7	948.025, 948.03, 948.20 or 948.21 that is a felony may not be released until a court
8	has established conditions of release for the person under s. 969.02 or 969.03.
9	<b>SECTION 2.</b> 969.05 (2) of the statutes is amended to read:
10	969.05 (2) The Except as provided in sub. (3), the amount and method of posting
11	bail may be <del>indorsed</del> endorsed upon felony warrants.

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1 **SECTION 3.** 969.05 (3) of the statutes is created to read:  $\mathbf{2}$ 969.05 (3) A warrant issued for a person for any violation of s. 948.02, 948.025, 3 948.03, 948.20 or 948.21 that is a felony may not be endorsed with the amount or 4 method of posting bail.  $\mathbf{5}$ **SECTION 4.** 969.07 of the statutes is amended to read: 6 969.07 Taking of bail by law enforcement officer. When Subject to s. 7 968.077, when bail has been set for a particular defendant, any law enforcement 8 officer may take bail in accordance with s. 969.02 and release the defendant to appear 9 in accordance with the conditions of the appearance bond. Bail shall not be required 10 of a defendant who has been cited for commission of a misdemeanor in accordance 11 with s. 968.085. The law enforcement officer shall give a receipt to the defendant for 12the bail so taken and within a reasonable time deposit the bail with the clerk of court 13before whom the defendant is to appear. Bail taken by a law enforcement officer may 14be taken only at a sheriff's office or police station. The receipts shall be numbered 15serially and shall be in triplicate, one copy for the defendant, one copy to be filed with 16 the clerk and one copy to be filed with the police or sheriff's department which takes 17the bail. This section does not require the release of a defendant from custody when 18 an officer is of the opinion that the defendant is not in a fit condition to care for his 19 or her own safety or would constitute, because of his or her physical condition, a 20danger to the safety of others. If a defendant is not released under this section, s. 21970.01 shall apply.

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(END)