



2013 ASSEMBLY BILL 190

May 3, 2013 - Introduced by Representatives WEATHERSTON, MASON, BERCEAU, BERNIER, BIES, HONADEL, JACQUE, KAHL, KERKMAN, KLEEFISCH, KOLSTE, T. LARSON, LEMAHIEU, MILROY, PRIDEMORE, RICHARDS, RINGHAND, SPIROS, STONE, C. TAYLOR, TITTL, WRIGHT, KAUFERT, OHNSTAD and BILLINGS, cosponsored by Senators GROTHMAN, LASSA, LEHMAN, LEIBHAM, SCHULTZ and WIRCH. Referred to Committee on Criminal Justice.

1 **AN ACT to amend** 969.03 (1) (intro.) and 969.03 (1) (b); and **to create** 969.03 (1e)
2 of the statutes; **relating to:** travel, association, and residency conditions of
3 release before trial for individuals charged with felony sexual assault of a child.

Analysis by the Legislative Reference Bureau

Under current law, a judge may release a defendant charged with a felony without bail or upon the execution of an unsecured appearance bond. The judge may impose conditions of the release including: placing the defendant in the custody of a person or organization; restricting the defendant's travel, association, or residency; or prohibiting the defendant from possessing any dangerous weapon. The judge may also deny release to a defendant charged with certain felonies including first-degree or second-degree sexual assault of a child or repeated sexual assault of the same child (child sex offense).

This bill requires a judge who is releasing a defendant charged with a child sex offense to impose the following as conditions of release: a restriction that the defendant avoid the residence, school, or place of employment of the alleged victim; a restriction that the defendant avoid contacting, or attempting to contact, the alleged victim; and a restriction that the defendant not reside within 250 feet, or more if the judge so orders, of the residence of the alleged victim or on a property that is adjacent to the residence of the alleged victim.

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

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1 **SECTION 1.** 969.03 (1) (intro.) of the statutes is amended to read:

2 969.03 (1) (intro.) A defendant charged with a felony may be released by the
3 judge without bail or upon the execution of an unsecured appearance bond ~~or the~~.
4 The judge may in addition to requiring the execution of an appearance bond or in lieu
5 thereof impose one or more of the following conditions which will assure appearance
6 for trial:

7 **SECTION 2.** 969.03 (1) (b) of the statutes is amended to read:

8 969.03 (1) (b) Place Except as provided in sub. (1e), place restrictions on the
9 travel, association, or place of abode of the defendant during the period of release.

10 **SECTION 3.** 969.03 (1e) of the statutes is created to read:

11 969.03 (1e) If the defendant is charged with a violation of s. 948.02 (1) or (2)
12 or 948.025 (1), the judge shall impose, in addition to requiring under sub. (1) the
13 execution of an appearance bond or in lieu thereof, all of the following conditions:

14 (a) A restriction that the defendant avoid the residence, school, or place of
15 employment or any temporary residence of the alleged victim of the violation.

16 (b) A restriction that the defendant avoid contacting, attempting to contact, or
17 causing any person other than a party's attorney or a law enforcement officer to
18 contact or attempt to contact the alleged victim of the violation.

19 (c) A restriction that the defendant not reside within 250 feet, or a greater
20 distance if the judge so orders, of the residence of the alleged victim of the violation
21 and that the defendant not reside on a property that is adjacent to the residence of
22 the alleged victim of the violation.

23 **SECTION 4. Initial applicability.**

