

State of Misconsin 2019 - 2020 LEGISLATURE

LRB-2721/1 MLJ:ahe

## 2019 ASSEMBLY BILL 638

December 2, 2019 – Introduced by Representatives CROWLEY, SORTWELL, BOWEN, ANDERSON, SINICKI, ZAMARRIPA and VINING, cosponsored by Senators JOHNSON, L. TAYLOR and LARSON. Referred to Committee on Criminal Justice and Public Safety.

1 AN ACT to repeal 946.49 (1) (a) and (b); to renumber and amend 946.49 (1) 2 (intro.); to amend 946.49 (2); and to create 946.49 (3) of the statutes; relating 3 to: bail jumping and providing a penalty.

## Analysis by the Legislative Reference Bureau

Under current law, bail jumping means failure to comply with the terms of a bond after being released from custody in a pending criminal matter. Bail jumping for a defendant who has been released on bond after being charged with a crime is a Class A misdemeanor if the offense with which the defendant is charged is a misdemeanor and a Class H felony if the offense with which the defendant is charged is a felony, and bail jumping for a witness for whom bail has been required is a Class I felony. Under this bill, bail jumping means failure to appear as required or failure to comply with a term of a bond that prohibits contact with another individual or prohibits his or her presence in a specified location. Under the bill, any form of bail jumping is a Class B misdemeanor, regardless of the underlying offense or whether the person for whom bail is required is a defendant or a witness. In addition, under this bill, a person may only be charged with bail jumping once per underlying charge for which he or she has been released on bail.

## **ASSEMBLY BILL 638**

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

1 SECTION 1. 946.49 (1) (intro.) of the statutes is renumbered 946.49 (1) and  $\mathbf{2}$ amended to read: 3 946.49 (1) Whoever, having been released from custody under ch. 969, intentionally fails to appear as required or to comply with the terms a term of his or 4 her bond that prohibits contact with another individual or prohibits his or her  $\mathbf{5}$ 6 presence in a specified location is: guilty of a Class B misdemeanor. 7 **SECTION 2.** 946.49 (1) (a) and (b) of the statutes are repealed. 8 **SECTION 3.** 946.49 (2) of the statutes is amended to read: 946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is 9 10 guilty of a Class I felony <u>B misdemeanor</u> for failure to appear as provided. **SECTION 4.** 946.49 (3) of the statutes is created to read: 11 12946.49 (3) A prosecutor may only charge a person for a violation under sub. (1) once per underlying criminal charge for which he or she has been released on bond. 1314(END)