



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to create* 969.095 of the statutes; **relating to:** modification of bail in a
2 criminal action.

Analysis by the Legislative Reference Bureau

This bill requires the judge in a criminal action to review the bail of a defendant who remains detained after 24 hours because he or she cannot post a bail amount that has been set. The judge must review the bail every 24 hours, and must state on the record reasons for continuing bail, unless bail is adjusted and the defendant is released.

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

3 **SECTION 1.** 969.095 of the statutes is created to read:
4 **969.095 Review and adjustment of bail.** (1) The judge of the court before
5 whom an action against a defendant is pending shall review the bail of a defendant
6 for whom bail is imposed and who after 24 hours from the time of initial appearance
7 before the judge or a review under this subsection continues to be detained in custody
8 as a result of the defendant's inability to meet the bail. Unless the bail is adjusted

1 and the defendant is thereupon released, the judge shall set forth on the record the
2 reasons for requiring the continuation of the bail imposed. If the judge before whom
3 the action is pending is not available, any other circuit judge of the county may act
4 under this subsection.

5 (2) Subsection (1) applies only if, on or after the effective date of this subsection
6 [LRB inserts date], an amendment to article I, section 8 (3) of the constitution is
7 ratified. The elections commission shall notify the legislature of the effective date
8 of the amendment under s. 7.70 (3) (h).

9 (END)