



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-0508/1  
EAW:ahe

## 2019 BILL

1     **AN ACT** *to amend* 969.01 (4); and *to create* 969.01 (4) (c) 1. of the statutes;  
2             **relating to:** the use of a pretrial risk assessment when setting conditions for  
3             pretrial release.

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***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Study Committee on Bail and Conditions of Pretrial Release. The draft provides that a court may consider the results of a validated pretrial assessment in imposing bail or other pretrial release conditions. The draft also makes non-substantive formatting revisions.

4             **SECTION 1.** 969.01 (4) of the statutes is amended to read:  
5             969.01 (4) (a) If bail is imposed, it shall be only in the amount found necessary  
6             to assure the appearance of the defendant.

**BILL****SECTION 1**

1           **(b)** Conditions of release, other than monetary conditions, may be imposed for  
2 the purpose of protecting members of the community from serious bodily harm or  
3 preventing intimidation of witnesses. ~~Proper considerations in~~

4           **(c)** In determining whether to release the defendant without bail, fixing a  
5 reasonable amount of bail, or imposing other reasonable conditions of release ~~are:~~  
6 the, the court may consider any of the following:

7           **2.** The ability of the arrested person to give bail, ~~the,~~

8           **3.** The nature, number, and gravity of the offenses and the potential penalty  
9 the defendant faces, ~~whether,~~

10          **4.** Whether the alleged acts were violent in nature, ~~the,~~

11          **5.** The defendant's prior record of criminal convictions and delinquency  
12 adjudications, if any, ~~the,~~

13          **6.** The character, health, residence, and reputation of the defendant, ~~the,~~

14          **7.** The character and strength of the evidence which has been presented to the  
15 judge, ~~whether,~~

16          **8.** Whether the defendant is currently on probation, extended supervision, or  
17 parole, ~~whether,~~

18          **9.** Whether the defendant is already on bail or is subject to other release  
19 conditions in other pending cases, ~~whether,~~

20          **10.** Whether the defendant has been bound over for trial after a preliminary  
21 examination, ~~whether,~~

22          **11.** Whether the defendant has in the past forfeited bail or violated a condition  
23 of release or was a fugitive from justice at the time of arrest, ~~and the,~~

24          **12.** The policy against unnecessary detention of ~~the defendant's~~ a defendant  
25 pending trial.

