

No. 570, S.]

[Published July 31, 1953.

CHAPTER 538

AN ACT to renumber 355.18; and to create 355.18 (2) of the statutes, relating to preliminary examinations in criminal proceedings.

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

SECTION 1. 355.18 of the statutes is renumbered 355.18 (1).

SECTION 2. 355.18 (2) of the statutes is created to read:

355.18 (2) (a) Upon good cause shown the trial court may in its discretion remand the cause to the magistrate for a preliminary examination, upon motion made pursuant to s. 355.09. Good cause means:

1. Preliminary examination was waived; and
2. Defendant had not had advice of counsel prior to such waiver; and
3. Defendant denies that probable cause exists to hold him for trial; and
4. Defendant intends to plead not guilty.

(b) The bail bond, if any, shall remain in effect pending the determination of the magistrate, and, if defendant is held for trial, the bond shall remain in effect pending trial. If no bail was given, defendant shall remain in custody until discharged or until bail is given.

Approved July 14, 1953.
