



2021 SENATE BILL 892

January 26, 2022 - Introduced by Senators KOOYENGA and JAGLER, cosponsored by Representatives DUCHOW, DITTRICH, SANFELIPPO, ALLEN, KUGLITSCH and WICHGERS. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to amend** 969.02 (1), 969.02 (2) and 969.03 (1) (intro.); and **to create**
2 969.02 (1m) and 969.03 (1g) of the statutes; **relating to:** bail for criminal
3 defendants who have previously failed to comply with a condition of his or her
4 release for the present offense.

Analysis by the Legislative Reference Bureau

Under current law, a judge may release a person charged with a crime without bail, or may release the defendant only if he or she executes an unsecured appearance bond, or may require a defendant to execute a secured bond to be released. Under this bill, a judge may not release a defendant without bail or on an unsecured bond if the defendant has previously failed to comply with a condition of his or her release for the present offense. Such a defendant may be released only if he or she executes a secured bond or deposits cash in lieu of a bond.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

5 **SECTION 1.** 969.02 (1) of the statutes is amended to read:

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1 969.02 (1) ~~A~~ Except as provided in sub. (1m), a judge may release a defendant
2 charged with a misdemeanor without bail or may permit the defendant to execute
3 an unsecured appearance bond in an amount specified by the judge.

4 **SECTION 2.** 969.02 (1m) of the statutes is created to read:

5 969.02 (1m) A judge may not release a defendant under sub. (1) if the defendant
6 has previously failed to comply with a condition of his or her release for the present
7 offense.

8 **SECTION 3.** 969.02 (2) of the statutes is amended to read:

9 969.02 (2) In lieu of release pursuant to sub. (1), or if sub. (1m) applies, the
10 judge may require the execution of an appearance bond with sufficient solvent
11 sureties, or the deposit of cash in lieu of sureties. If the judge requires a deposit of
12 cash in lieu of sureties, the person making the cash deposit shall be given written
13 notice of the requirements of sub. (6).

14 **SECTION 4.** 969.03 (1) (intro.) of the statutes is amended to read:

15 969.03 (1) (intro.) ~~A~~ Except as provided in sub. (1g), a defendant charged with
16 a felony may be released by the judge without bail or upon the execution of an
17 unsecured appearance bond ~~or the.~~ The judge may in addition to requiring the
18 execution of an appearance bond or in lieu thereof impose one or more of the following
19 conditions which will assure appearance for trial:

20 **SECTION 5.** 969.03 (1g) of the statutes is created to read:

21 969.03 (1g) If a defendant has previously failed to comply with a condition of
22 his or her release for the present offense, a judge may release the defendant under
23 sub. (1) only if the judge requires the defendant to execute an appearance bond with

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1 sufficient solvent sureties, or requires the deposit of cash in lieu of sureties under

2 sub. (1) (d).

3 (END)