



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1714/1
MLJ:cdc

2019 SENATE BILL 98

March 15, 2019 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Insurance, Financial Services, Government Oversight and Courts.

1 **AN ACT** *to amend* 757.69 (1) (b); and *to create* 969.095 of the statutes; **relating**
2 **to:** modification of bail in a criminal action.

Analysis by the Legislative Reference Bureau

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

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on Bail and Conditions of Pretrial Release. The bill requires a court to review the bail of a defendant within 72 hours of initial appearance if the defendant remains in custody as a result of his or her inability to meet the bail. Thereafter, the court must review the bail every 7 days. The bill requires the court to set forth the reasons for requiring the continuation of the bail, unless the bail is adjusted and the defendant is released. The bail review requirement only becomes effective if an amendment to Article I, section 8 (3) of the Wisconsin Constitution, the provision relating to pretrial detention, is ratified.

3 **SECTION 1.** 757.69 (1) (b) of the statutes is amended to read:
4 757.69 (1) (b) In criminal matters issue summonses, arrest warrants or search
5 warrants, determine probable cause to support a warrantless arrest, conduct initial

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1 appearances of persons arrested, set bail, inform the defendant in accordance with
2 s. 970.02 (1), conduct bail review hearings under s. 969.095, refer the person to the
3 authority for indigency determinations specified under s. 977.07 (1), conduct the
4 preliminary examination and arraignment, and, with the consent of both the state
5 and the defendant, accept a guilty plea. If a court refers a disputed restitution issue
6 under s. 973.20 (13) (c) 4., the circuit court commissioner shall conduct the hearing
7 on the matter in accordance with s. 973.20 (13) (c) 4.

8 **SECTION 2.** 969.095 of the statutes is created to read:

9 **969.095 Review and adjustment of bail. (1)** The court shall review the bail
10 of a defendant for whom bail is imposed and who continues to be detained in custody
11 as a result of his or her inability to meet the bail. The court shall conduct this review
12 within 72 hours from the time of initial appearance before the court and every 7 days
13 thereafter for as long as the defendant continues to be detained in custody as a result
14 of his or her inability to meet bail. Unless the bail is adjusted and the defendant is
15 thereupon released, the court shall set forth the reasons for requiring the
16 continuation of the bail imposed.

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

21 (END)