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STATE SENATOR • 20TH DISTRICT

Testimony on Senate Bill 782

Thank you Chairman Craig and members of the Committee for holding a hearing on Senate Bill 782. Under current law, a judge has discretion to release a defendant before trial with bail, without bail, or with a signature bond. A signature bond is also known as an unsecured appearance bond. In arriving at this decision, the judge must take into consideration the likelihood of the defendant appearing in court at the required time. If a defendant is released with cash bail, the deposited money is forfeited if the individual fails to appear at the required time.

SB 782, as amended by the Assembly, would prevent a defendant who is criminally charged with failing to appear in court from being released either without bail or on an unsecured bond.

Article I, Section 8 of the Wisconsin Constitution provides that reasonable conditions can be imposed on an individual to assure their appearance in court, to protect the safety of the public, and to prevent the intimidation of witnesses. These important policy interests are placed in jeopardy when we fail to impose bail. Individuals who have allegedly committed crimes and recently missed a court appearance should not be re-released without surety of their return.

The Wisconsin Constitution also explicitly provides authority for the legislature to pursue laws that require the courts to revoke a person's release for a violation of a condition of release. In the interest of maintaining public safety, preventing witness intimidation, and preserving the integrity of our criminal justice system, I encourage you to support SB 782 to ensure a previous failure to appear for a court proceeding is taken seriously when a judge determines the conditions of pre-trial release.



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Good Afternoon Chairman Craig and Committee Members. Thank you for holding this hearing on Senate Bill 782.

Under Wisconsin's Constitution all persons, before conviction, shall be eligible for release under reasonable conditions designed to assure their appearance in court. A judge or court commissioner may release a defendant with no bail, for cash bail, or on an unsecured bond, the conditions of which require the person to pay the amount of the bond to the court in the event the defendant fails to appear at the required time. In the event of a deposit of cash bail, the money is forfeited in the event the defendant fails to appear.

It is not uncommon for some defendants to fail to appear, especially in cases in which no bail is required, or if the defendant is released on an unsecured bond, or if the cash bail is set too low. This bill would prohibit a court from releasing defendants for no bail or on an unsecured bond who have previously been charged with bail jumping, or failure to appear in court at an appointed time.

This bill does not impose any additional penalties for bail jumping, nor does it prohibit a judge from imposing any specific bail amount. It simply will require someone who previously jumped bail from being released without bail or on an unsecured bond.