



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa1078/1
JEO;jlg:ijs

**ASSEMBLY AMENDMENT 4,
TO 1997 ASSEMBLY BILL 452**

December 2, 1997 - Offered by Representative LADWIG.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: delete that line and substitute:

3 “**SECTION 1g.** 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, decide requests to modify or vacate contact prohibitions under s. 968.077
6 (1) (c) and conduct initial appearances of persons arrested and set bail to the same
7 extent as a judge. At the initial appearance, the court commissioner shall, when
8 necessary, inform the defendant in accordance with s. 970.02 (1). If the defendant
9 appears or claims to be unable to afford counsel, the court commissioner, in
10 accordance with s. 970.02 (6), may refer the person to the authority for indigency
11 determinations specified under s. 977.07 (1). If the court commissioner is a full-time
12 court commissioner, he or she may conduct the preliminary examination and
13 arraignment to the same extent as a judge and, with the consent of both the state and

1 the defendant, may accept a guilty plea. If a court refers a disputed restitution issue
2 under s. 973.20 (13) (c) 4., the court commissioner shall conduct the hearing on the
3 matter in accordance with s. 973.20 (13) (c) 4.

4 **SECTION 1t.** 946.49 (1m) of the statutes is created to read:”.

5 **2.** Page 3, line 5: delete “The contact” and substitute “Except as provided in
6 pars. (c) and (d), the contact”.

7 **3.** Page 3, line 7: delete lines 7 and 8 and substitute “970.01.

8 (c) If an arrested person has been released from custody and is subject to a
9 contact prohibition under par. (a), the person may request a court to vacate the
10 contact prohibition or modify the terms of the contact prohibition. A request under
11 this paragraph shall be made in the circuit court in which the criminal proceeding
12 arising from the arrest is pending or, if a criminal proceeding has not been
13 commenced, in the circuit court for the county in which the violation that was the
14 basis for the arrest allegedly occurred. The person shall provide notice of a request
15 made under this paragraph to the district attorney prosecuting the case or, if a
16 criminal proceeding has not been commenced, to the district attorney for the county
17 in which the violation that was the basis for the arrest allegedly occurred. If the court
18 vacates or modifies the contact prohibition, the court shall make a reasonable
19 attempt to notify the parent or legal guardian of the alleged victim that the contact
20 prohibition has been vacated or modified.

21 (d) If a contact prohibition under par. (a) has not been vacated under par. (c)
22 before the time of the initial appearance of the person subject to the prohibition, the
23 court may adopt and continue the contact prohibition when establishing conditions
24 of release under s. 969.02 or 969.03.”.

