

State of Wisconsin



2023 Senate Joint Resolution 2

ENROLLED JOINT RESOLUTION

To amend section 8 (2) of article I of the constitution; **relating to:** conditions for release prior to conviction, including the imposition of bail (second consideration).

Whereas, the 2021 legislature in regular session considered a proposed amendment to the constitution in 2021 Assembly Joint Resolution 107, which became 2021 Enrolled Joint Resolution 6, and agreed to it by a majority of the members elected to each of the two houses, which proposed amendment reads as follows:

SECTION 1. Section 8 (2) of article I of the constitution is amended to read:

[Article I] Section 8 (2) All persons, before conviction, shall be eligible for release under reasonable conditions designed to assure their appearance in court, protect members of the community from serious bodily harm as defined by the legislature by law, or prevent the intimidation of witnesses. Monetary conditions of release may be imposed at or after the initial appearance only upon a finding that there is a reasonable basis to believe that the conditions are necessary to assure appearance in court, or if the person is accused of a violent crime as defined by the legislature by law, only upon a finding that there is a reasonable basis to believe that the conditions are necessary based on the totality of the circumstances, taking into account whether the accused has a previous conviction for a violent crime as defined by the legislature by law, the probability that the accused will fail to appear in court, the need to protect members of the community from serious harm as defined by the legislature by law, the need to prevent the intimidation of witnesses, and the potential affirmative defenses of the accused. The legislature may authorize, by law, courts to revoke a person's release for a violation of a condition of release.

Now, therefore, be it resolved by the senate, the assembly concurring, That the foregoing proposed amendment to the constitution is agreed to by the 2023 legislature; and, be it further

Resolved, That the foregoing proposed amendment to the constitution be submitted to a vote of the people at the election to be held on the first Tuesday of April, 2023; and, be it further

Resolved, That the question concerning ratification of the foregoing proposed amendment to the constitution be stated on the ballot as follows:

QUESTION 1: “*Conditions of release before conviction.* Shall section 8 (2) of article I of the constitution be amended to allow a court to impose on an accused person being released before conviction conditions that are designed to protect the community from serious harm?”

QUESTION 2: “*Cash bail before conviction.* Shall section 8 (2) of article I of the constitution be amended to allow a court to impose cash bail on a person accused of a violent crime based on the totality of the circumstances, including the accused's previous convictions for a violent crime, the probability that the accused will fail to appear, the need to protect the community from serious harm and prevent witness intimidation, and potential affirmative defenses?”

Representative Robin J. Vos
Speaker of the Assembly

Senator Chris Kapenga
President of the Senate

Date

Michael J. Queensland
Senate Chief Clerk