

Sen. Wanggaard: Violent crime & serious harm definitions pass Legislature

Posted on Wednesday, Mar 22, 2023

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MADISON - The state legislature gave final approval today to defining the terms "Violent Crime" and "Serious Harm" for purposes of the proposed constitutional amendment to reform bail.

"The questions on the April ballot will help ensure public safety and reform Wisconsin's broken bail system," said Senator Van Wanggaard (R-Racine). "Today's bill allows the amendment to take effect with clear parameters so that the public and judges know the rules when it comes to bail."

Wanggaard and Assembly co-author Rep. Cindi Duchow (R-Delafield) took a thoughtful and deliberate approach to defining the terms "Violent Crime" and "Serious Harm" as required by the proposed constitutional amendment. The "Violent Crime" definition was created by consolidating the three existing statutory definitions of violent crime, and adding crimes with violent elements or where violence was potentially imminent. The definition of "Serious Harm" was created by evaluating the many different types of "harm" defined in statutes and finding the right balance.

Questions #1 and #2 on the ballot are directly tied to these terms.

"Under Wisconsin's current constitution, judges cannot prohibit pedophiles from going near playgrounds while awaiting trial because of the high constitutional bar on conditions of release," Wanggaard said. "If Question #1 is approved, judges can try to prevent "serious harm" when releasing someone prior to trial."

“Question #2 allows judges to consider the “totality of the circumstances” when setting cash bail for “Violent Crimes,” instead of only considering flight risk,” continued Wanggaard. “With the passage of today’s bill, violent crime is clearly defined for purposes of bail. There will be no ambiguity as what is a violent crime. Judges, defendants, prosecutors, and defense attorneys will all know the rules of the game.”

If signed by the governor, the bill will only take effect if the proposed amendment is approved by the voters. The definition of serious harm and the list of violent crimes is attached.

§969.001 (2m) “Serious harm” means any of the following:

- (a) Personal physical pain or injury, illness, any impairment of physical condition, or death, including mental anguish or emotional harm attendant to the personal physical pain or injury, illness, or death.
- (b) Damage to property over \$2,500 in value.
- (c) Economic loss over \$2,500 in value.