



Van H. Wanggaard

Wisconsin State Senator

FOR IMMEDIATE RELEASE

January 17, 2023

CONTACT: Van Wanggaard

608-266-1832

BAIL REFORM CONSTITUTIONAL AMENDMENT ADVANCES

Bipartisan Support Given to Fix Wisconsin's Broken Bail System

MADISON – On Tuesday, the Wisconsin State Senate gave approval to a proposed constitutional amendment allowing judges to look at “the totality of the circumstances” when determining bail. The proposed amendment, authored by Senator Van Wanggaard (R-Racine) and Representative Cindi Duchow (R-Delafield), passed on a bipartisan 23-9 vote. The Assembly is scheduled to vote on the proposal on Thursday, allowing voters to ratify the amendment in the April 2023 election.

“Anyone taking an honest look at Wisconsin’s bail system knows that it’s broken,” said Wanggaard. “Wisconsin is an example of what not to do on bail. Wisconsin is the outlier. We’re the only state that limits judges to only consider flight risk when setting bail. Public Safety, criminal history, none of that matters when setting bail in Wisconsin. Come April, voters will be able to change that.”

Under Wisconsin’s current constitution, a judge can only consider flight risk when setting cash bail, and may only set other conditions of bail in light of potential serious bodily harm, meaning injury with a risk of death. Senate Joint Resolution 2 reforms Wisconsin’s bail system, allowing judges to consider the criminal convictions of a defendant, the risk of serious harm, and to prevent the intimidation of witnesses when setting bail amounts for violent crimes. The proposed amendment also allows judges to consider protecting the public from “serious harm” when setting any condition of bail.

“There is no silver bullet to fixing bail in Wisconsin,” said Wanggaard. “But this is an important first step to correcting some of the problems. I look forward to continuing to reform Wisconsin’s bail system to enhance public safety.

Amending the Wisconsin Constitution requires approval of two consecutive legislatures, and approval of voters in a referendum. This week’s action in the legislature will be the second approval of the proposal, placing the proposed amendment on the April 2023 ballot.

A copy of Senator Wanggaard’s prepared floor remarks is attached.

###

Serving Racine and Kenosha Counties - Senate District 21