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Rep. Duchow Introduces a Constitutional Amendment for Bail Reform

Madison, WI – Rep. Cindi Duchow (R-Delafield) has introduced a joint resolution to amend the Wisconsin State Constitution and reform the legal procedure for how judges apply bail to individuals with criminal histories.

Under current law, the Wisconsin Constitution provides that all persons are eligible for release prior to conviction to assure the person's appearance in court, protect members of the community from serious bodily harm, or prevent the intimidation of witnesses. However, commissioners and judges are not to consider the dangerousness or violence of a defendant when deciding how much cash bail to set.

“Wisconsin continues to see examples of people with extensive criminal histories committing crimes while out on bail,” said Rep. Duchow. “Most recently was the tragic and horrific attack on the Waukesha Christmas Parade by an individual with a long history of violent crimes.”

The joint resolution provides an amendment to the state Constitution that removes restrictions to judges when determining the bail amount or if an individual can be denied bail by including the consideration of the safety of the community, seriousness of offense, and previous record to reflect the needs of the present.

“Allowing judges to consider of the safety of the community, seriousness of offense, and previous record of the offender provides another tool to protect both victims and the community while the judicial process plays out.” said Rep. Duchow.

This is the third session that Rep. Duchow has introduced this bail reform legislation. Senator Van Wanggard (R-Racine) will be authoring the joint resolution in the Senate.

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Representative Duchow represents the 99th Assembly District which includes the communities of Chenequa, Delafield, Dousman, Hartland, Merton, Nashotah, Oconomowoc Lake, Ottawa, and Wales; and portions of Genesee, North Prairie, Oconomowoc, and Summit.