



WISCONSIN LEGISLATURE

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FOR IMMEDIATE RELEASE

Date: February 8th, 2023

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Cash Bail Entrenchment Trailer Bill Wields “Violence” to Overwhelm Courts and Jails

State Representatives Darrin Madison (D-10) and Ryan Clancy (D-19) Oppose LRB-1476

MADISON – On Friday, February 3rd, Republicans introduced LRB-1476, the sunrise bill that would take effect if Wisconsin voters approve the proposed constitutional bail amendment on the April 4th ballot. LRB-1476 broadly defines the terms “serious harm” and “violent crime” and in doing so greatly expands the harm of the amendment.

Rather than addressing what has been conventionally viewed as violent crime, this bill sets a staggering total of 103 charges that could commit innocent people to pre-trial detention.

Representative Madison (D-10) issued the following statement:

“The hyper criminalization of people has been declared unconstitutional by the 8th amendment of our nation’s constitution. While Republican co-author Sen. Wanggaard testified that ‘this very narrowly focused on violent crime,’ on the contrary, a large quantity of people who are accused of crimes, including anyone who even witnesses certain crimes, could now be detained and subject to bail.

Time after time, we see that increased variability and inconsistency in cases often leads to disparities in justice for white defendants vs. defendants of color - I see no reason why this would be any different. Additionally, the state has already bled the court system dry, and now they will be forced to do more with less.

If the true intention of this bill and constitutional amendment was to provide safety to all people in our state, making a profit through cash bail and expanding it to include non-violent offenses is not the solution. If we had a rigorous assessment that prioritizes safety similar to the federal system, paying one’s way out of jail would not be an option.”

Representative Clancy (D-19) issued the following statement:

“This bill should dispel any illusion that the authors of this bill were focused on ‘only violent crimes’ as Rep. Duchow testified. Codifying this ridiculously broad definition of violent crime - including such offenses as watching a cockfight, seeking abortion care, and jeopardizing corporate profits - would be laughable if not for the thousands more people across the state that would be locked up pre-trial for charges that no reasonable person would define as violent. Our jails, public defenders and individuals are already at a breaking point; doubling down on our terrible system of cash bail like this would only put more strain on communities already in peril.

In addition to this harmful cash bail amendment, we know that cash bail itself is antiquated, inequitable and *not* an effective way of keeping our neighborhoods safe. Research from Arnold Ventures on ‘The Hidden Cost of Pre-Trial Definition Revisited’ found three key findings. Pre-trial detention is associated with a higher likelihood of being convicted and receiving a longer sentence when compared to their peers who were released pre-trial, and is not associated with a likelihood of appearing in court. Importantly, pre-trial detention for any length of time, is associated with a *higher* likelihood of arrest for a new crime before case disposition. Neither these definitions of violence and harm nor the larger constitutional amendment will do anything but strain our vital resources and exacerbate the conditions that allow crime to flourish.”

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