



THOMAS WEATHERSTON

STATE REPRESENTATIVE • 62ND ASSEMBLY DISTRICT

Thank you Mr. Chairman and members of the committee.

AB 190 deals with the release and residency conditions for someone released on bail and accused of a child sexual offense. I've co-authored this bipartisan bill with Rep. Mason, and we call this bill "Isabella's Law" because it seeks to prevent what happened to Isabella from happening to any other child.

Isabella is an eight year old girl from Racine. Several months ago while she was walking near her home after school, she was sexually assaulted by a sixty year old man. After being arrested, he was then released on bail and returned to his home. The problem is that his house is right next door to Isabella's. She was afraid to leave the house or play in the yard because of fear that the accused would be watching her. When the prosecutor tried to modify the bail conditions and keep the accused away from the victim, the judge refused.

While we can't go back and stop what happened to Isabella and her family, we can prevent it from ever happening again with this bill.

This bill will require that in cases of a child sexual offense, the judge **must** set certain minimum conditions. Foremost among them is the requirement that the accused cannot live in an adjacent property or within 250 feet of the victim. If the circumstances warrant the judge may increase this requirement. The accused is also restricted from contacting the victim, and avoid the victim's house and school. These are just the minimum conditions, the judge is still free to place more conditions on someone released out on bail.

This bill is not additional punishment; it is protection for child victims. The bill does not apply to sexual offenders released from prison after serving their sentences, as there are already restrictions on where they can live.

There is also an amendment to this bill, it corrects some phrasing but does not change the meaning of the language. The Racine Journal Times has written several articles about this case, and I've provided the most recent one which shows why this bill is needed.



STATE REPRESENTATIVE
CORY MASON

WISCONSIN STATE ASSEMBLY
66TH ASSEMBLY DISTRICT
REPRESENTING THE RACINE COMMUNITY

TO: Assembly Committee on Criminal Justice
FROM: State Representative Cory Mason
RE: Support of Assembly Bill 190, "Isabella's Law"
DATE: May 23, 2013

Chair Kleefisch and members of the committee, thank you for holding a public hearing on Assembly Bill 190, which modifies the residency conditions of release before a trial for individuals charged with felony sexual assault of a child.

This legislation is in direct response to a situation that occurred in Racine earlier this year when a Racine man, arrested and charged with sexually assaulting and 8-year-old Racine girl named Isabella, was released on bail to his home, which was *next door* to his alleged victim.

After the accused was released on bail to his home next door to Isabella, Isabella's family reported that she suffered panic attacks from hearing the accused's voice at his house while she was outside. Racine's District Attorney urged the Circuit Court Judge to modify the bond conditions so that the accused would not be next door to Isabella and her family while the case was working its way through the criminal justice system. The judge denied the bond modification request and ruled that the accused could remain on electronic monitoring in his home.

A situation like this was allowed to happen because Wisconsin law currently grants judges considerable discretion in imposing bail conditions. Current law permits a judge to prohibit an individual from residing close to a child victim as a bail condition, but does not require a judge to do so.

Assembly Bill 190 quite simply would require a judge to impose certain conditions of release in cases where the defendant is charged with a child sex offense. The defendant would not be allowed to reside within 250 feet of the residence of the victim or a property that is adjacent to the victim's residence. The defendant would be ordered to avoid the residence, school, or place of employment of the victim, and the defendant would be required to avoid contacting or attempting to contact the victim.

Our current system failed Isabella and her family, and the legislation in front of you would prevent this terrible incident from repeating. We cannot correct what happened to Isabella, but this bill is designed so that other victims and their families are spared from experiencing the same stress and fear. As a father of three young children, I cannot imagine the nightmare of one of my children being assaulted. Families living that nightmare should not have to be traumatized again by having the accused released on bail next door.

Thank you again for the opportunity to offer testimony on this bill. I hope you will take positive action on this legislation quickly.



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To: Members of Assembly Committee on Criminal Justice
From: John Keckhaver, Lobbyist – Wisconsin Coalition Against Sexual Assault
Re: Statement in Lieu of Testimony at Public Hearing May 23, 2013 on Assembly Bill 190 (Isabella's Law)
Date: May 22, 2013

Unfortunately, I am unable to attend the public hearing on Assembly Bill 190 tomorrow, May 23rd, due to a simultaneous meeting out of the Capitol of a State Board. I wanted to ensure that committee members were fully aware of the Wisconsin Coalition Against Sexual Assault's support for this bill.

As you are no doubt aware, currently a judge *may* impose certain conditions upon the release of a defendant charged with a felony, including restricting the defendant's travel, association, or residency. This bill would *require* a judge who is releasing a defendant charged with a child sex offense to impose certain conditions, including: that the defendant avoid the residence, school, or place of employment of the alleged victim; that the defendant avoid contacting, or attempting to contact the alleged victim; and that the defendant not reside within 250 feet, or more if the judge so orders, of the residence of the alleged victim or on a property that is adjacent to that residence.

We take any efforts to restrict the discretion of judges very seriously. In fact, there have been occasions in recent years when in response to legislative proposals we have noted the importance of judges being able to take into account the totality of a situation and the conditions of a case, and to exercise discretion in their rulings. We feel this proposal appropriately sets out a **critical base level of protection** for alleged victims, and we feel that the conditions upon release that would be required by AB 190 are both badly needed and reasonable.

We want to thank Representatives Weatherston and Mason and Senators Grothman and Lassa and the many cosponsors of this bill, and we urge you to support it tomorrow.

Thank you for your consideration of this important piece of legislation, and please contact us with any questions or comments.

The Journal Times

Judge: Alleged molester does not need to move



FEBRUARY 22, 2013 12:22 PM • KRISTEN ZAMBO
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RACINE — A Racine man accused of assaulting an 8-year-old neighbor girl in an alley near her home earlier this month does not have to move out or go to jail, a judge ruled Friday.

Robert S. Lambkin, 60, is charged with first-degree sexual assault of a child in the alleged Feb. 12 incident while the girl was walking through an alley with her brother and other children near her Racine home.

During his initial appearance in court Feb. 13, Court Commissioner Robert Goepel set a \$10,000 signature bond for Lambkin and ordered him confined to his home on house arrest. Only problem, the girl's family says, is that Lambkin lives next door.

Racine County Circuit Judge Tim Boyle ruled during a bond modification hearing that Lambkin may remain on electronic monitoring on house arrest at his Flett Avenue home. However, he added conditions that all shades be drawn inside Lambkin's home at all times, he cannot venture outside if the girl is outside, and Lambkin's wife first must check outside to determine whether the girl is out on her own property before her physically disabled husband is allowed out of their house.

"One of the reasons he was released was on his medical issues," Assistant District Attorney Randy Schneider said, noting Lambkin walks with a crutch, has heart problems and "choking issues which relate to a polio condition. The problem is, the homes share a fence line."

Schneider sought changes to the bond terms because Lambkin lives next door to the child. He said since Lambkin's release last week, the girl has suffered a panic attack from hearing Lambkin's voice at his house while she was playing outside.

"Since that time, she's afraid to go outside. Because of the mental distress, I think he has to move," Schneider said. "This child is now on house arrest because she can't go out and play. This is not working."

But defense attorney Mark Nielsen argued the circumstances surrounding the case haven't changed, and didn't legally warrant altering the terms of Lambkin's existing bond.

"I understand there has been some publicity on this, but that is not reason to change (Lambkin's bond conditions)," Nielsen said during the hearing. "The current bond is

working. The shades are pulled and he's done nothing."

Plus, Nielsen added, Lambkin is presumed innocent and has no prior criminal record.

The girl's aunt, Cindy Street, 43, also of Racine, blasted the ruling after Friday's hearing.

"He (Lambkin) admitted to it so I don't understand where it's all coming from," she said.

She said her niece's bedroom faces Lambkin's home.

In making his ruling, Boyle said he legally has to balance Lambkin's rights and "the reasonableness of the bond" with the girl's emotional distress and base his decision on "the totality of all those circumstances."

The girl's father, Jim Street, decried the ruling after the hearing.

"Now I gotta take her to a park to play. Now I gotta take her to a family member's house to play," he said, adding that his daughter now won't hug him or other male family members. "It's like a bad dream I'm in (that) I can't wake up from."

Racine police responded at about 4:12 p.m. Feb. 12 and the child reportedly told an officer she was walking through the alley with her brother and some friends. She said that's when Lambkin walked up to her, unzipped her coat, and touched her inappropriately on two private portions of her body, according to his criminal complaint.

In an interview later with a police, Lambkin allegedly admitted touching her, according to the complaint. He reportedly said she didn't pull away, "so he didn't think she noticed what was going on," the complaint stated.

His preliminary hearing remains set for March 6.