

### WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

October 19, 2017

Senate Committee on Judiciary and Public Safety

State Sen. Alberta Darling's and State Rep. Joe Sanfelippo's public testimony on Senate Bill 408 Serving time for gun crimes: Appropriate sentencing for career criminals who commit gun crimes.

Thank you Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety for holding a public hearing on Senate Bill 408. This bill will discourage criminals from using firearms by creating a mandatory minimum for career criminals who commit gun crimes and stricter penalties for straw purchasers and human holsters.

The City of Milwaukee is an economic and cultural hub for Wisconsin, but to remain so it needs to solve its gun crime problem. Seventy-eight people have been murdered with guns so far in 2017 (as of 10/18/17). In 2016 the city had 125 homicides involving guns.

One measurement of gun crimes is the firearm recovery rate, which measures the amount of guns used in crimes recovered by the police. The Milwaukee Police Department firearm recovery rate is 246.6 per 100,000 people. In comparison, Chicago's firearm recovery rate is 185.5 per 100,000. Milwaukee's per capita firearm recovery rate is significantly higher despite Chicago's high violent crime rates. Historically Milwaukee seizes a similar amount of firearms as New York City, despite New York having a population 15 times the size of Milwaukee. Part of the problem in Milwaukee is that habitual criminals escalate their activity from petty crimes to gun crimes.

Habitual criminals are defined as individuals who commit three or more misdemeanors or one felony in a five year period. These criminals need to be deterred from escalating to using firearms. This bill creates a new mandatory minimum sentence for habitual criminals who escalate their criminal activity by using a firearm. Attached to this testimony are two case studies provided by the Milwaukee Police Department showing individuals who were convicted of three misdemeanors and then escalated to a more serious crimes. These case studies illustrate the need for a stronger deterrent. Further, the mandatory minimum sentence will punish criminals that commit gun crimes who previously committed felonies but pled down to misdemeanors, a common issue in Milwaukee. While a mandatory minimum alone will not solve the problem, it will give local police and prosecutors an additional tool to make sure those who commit gun crimes are brought to justice.

Wisconsin does not have clear laws that punish individuals who provide criminals with guns. A clear and strong deterrent is needed. This bill attempts to address another problem; guns falling into the hands of convicted criminals. Criminals are able to gain access to firearms through straw purchasing, when an individual legally purchases a firearm and knowingly transfers it to someone who cannot legally possess one. Another way criminals access guns is through human holsters, when someone who can legally possess a firearm carries it for someone who cannot legally possess one. This bill clarifies that straw purchasing or being a human holster is illegal and makes both crimes a class G felony. These changes will make people think twice before giving criminals a gun.

Again, thank you Chairman Wanggaard and committee members for scheduling a public hearing on this bipartisan bill. We encourage you to support Senate Bill 408. We're happy to answer any questions you may have.

State Sen. Alberta Darling

State Rep. Joe Sanfelippo



### CASE STUDY 1:

# Damont FIPPS, 26

- May 2009, charged & convicted with a misdemeanor for 941.23 Carrying Concealed Weapon
  - June 2011, charged & convicted with a misdemeanor for 941.23 Carrying Concealed Weapon
- February 2012, charged & convicted with a misdemeanor for 941.23 Carrying Concealed Weapon

-March 2016, FIPPS charged with a misdemeanor of Carrying Concealed Weapon and disorderly

- In September 2016, FIPPS was arrested for 1st Degree Intentional Homicide, and his jury trial is scheduled for March 2017.

2009 – 2012, in 2016 he is stopped with another gun, and 6 months later he is charged - FIPPS was convicted of 3 misdemeanors of Carrying Concealed Weapon between with 1st Degree Intentional Homicide.

# Amending Wis. Stat. §941.29 Possession of a firearm

## CASE STUDY 2:

QuoVuan X SOUTHWARD, 21

- June 2012, charged & convicted with a Misdemeanor for 961.41(3g)(c) Possession of
- Obstruction an Officer, 346.04(2t) Resisting/Fail to Stop/fleeing, 947.01(1) Disorderly June 2014, charged & convicted with 3 Misdemeanors for 946.14(1) Resisting or
- 940,44(1) Intimidate Victim/Dissuade Reporting, and 947.01(1) Disorderly Conduct November 2014, charged & convicted with 3 Misdemeanors for 940.19 (1) Batter,

-October 2015, SOUTHWARD was charged with 2 counts of a no contact order, 2 counts of battery and 1st Degree RES. SOUTHWARD was convicted and sentenced to 13 years in Wisconsin State Prison.

Approximately a year after his last conviction he is in possession of a firearm in a -SOUTHWARD was convicted of multiple misdemeanors between 2012-2014. stolen vehicle.



Department of Administration Intergovernmental Relations Division Tom Barrett Mayor

Sharon Robinson Director of Administration

La Keisha W. Butler Director of Intergovernmental Relations

City of Milwaukee Testimony on SB 408, Relating to: furnishing, purchasing, or possessing a firearm for a person who is prohibited from possessing a firearm, mandatory minimum sentences for individuals who commit certain firearm violations, and providing criminal penalties.

Senate Committee on Judiciary and Public Safety

October 19, 2017

I am Captain David Salazar, Commanding Officer of the Milwaukee Police Department's Intelligence Fusion Center. Thank you to the Committee for the opportunity to testify today. We are here to provide information that we hope will be helpful to the cosponsors and committee members in debating this legislation. This legislation will provide critical tools to ensure that Wisconsin's laws effectively address the reality of the safety challenges we face.

The City of Milwaukee is experiencing serious violent crime challenges. Violent crime has increased 3% from 2016. Also this year, 83% of the homicides in the City of Milwaukee have been firearm-related. The Milwaukee Police Department recovers guns at a significantly higher rate than far-larger cities. In 2016, MPD recovered 2,420 guns, a rate of 407 per 100,000 people. That is compared to cities like Chicago, which recovered guns at a rate of 247 per 100,000 people. In addition, arrests in 2016 for carrying a concealed weapon and for felon in possession of a firearm were the highest they have been in ten years.

A particular challenge is when guns fall into the hands of prohibited possessors through an individual who obtained the weapons through legal means, known as straw purchasing. The City of Milwaukee strongly supports the criminalization of straw purchasing. Making straw purchasing a Class G Felony would provide a crucial tool for law enforcement and prosecutors to stem the tide of firearm-related violence. I have included photographic evidence of a straw purchase in action from February 2016. The gun shown in the picture was recovered four days later after being used in a crime to which the defendant pled guilty. This incident and others like it demonstrate the clear need for stricter penalties against straw purchasing in the hopes of preventing violence from illegally-transferred weapons obtained through legal means.

The City also supports creating a Class G felony for cases of individuals serving as "human holsters," individuals who furnish or physically possess a firearm for a prohibited possessor. I'd like to share an example of a human holster incident that shows the deep interconnectivity of these ties and the investigative challenges they subsequently present for our officers. In September 2014, officers stopped

a vehicle with occupants matching the description from a subject with a gun complaint. The driver, a felon and therefore a prohibited possessor, was seen discarding an object in the direction of a passenger who was paralyzed in a 2013 shooting incident. Recovered on the passenger were two firearms, one of which was purchased by the passenger and which he successfully petitioned to have returned to him. In February 2017, an officer stopped a vehicle suspected of mobile drug dealing which contained the brother of the paralyzed passenger from the September 2014 incident. One of the weapons recovered was the gun that the brother of the drug dealing suspect petitioned to have back after the 2014 incident. One month later, the mobile drug dealing suspect, the brother of the original petitioner of the weapon, was arrested for and charged with 1st Degree Reckless Homicide for a separate incident. It is important to note all all three individuals were part of criminal gang activity, showing the complex web of criminality involving firearms and violent activity. A jury trial for the homicide charge is scheduled for January 2018.

I share these examples to illustrate the need to take concrete action to address this ongoing challenge that not only threatens City of Milwaukee residents, but residents of the larger region, the State, and tourists contributing to our local and statewide economy. In addition to leveraging existing resources, we need legislative action to update our state statutes governing firearms to better address this ongoing obstacle to safer neighborhoods, not only in Milwaukee but throughout the State of Wisconsin. As part of this legislation, the City of Milwaukee supports amending section 941.29 of the Wisconsin Statutes: Possession of a Firearm to criminalize the dangerous and pervasive activities of straw purchasing and acting as a human holster.

The City of Milwaukee supports addressing straw purchasing and human holsters through this legislation. We believe efforts to do so will make our city and state safer. Thank you for your time. I would be pleased to answer any questions you may have.



Department of Administration Intergovernmental Relations Division Tom Barrett Mayor

Sharon Robinson Director of Administration

**La Keisha W. Butler**Director of Intergovernmental Relations

### <u>City of Milwaukee Testimony on SB 408</u> <u>Senate Committee on Judiciary and Public Safety</u> <u>October 19, 2017</u>

Straw purchasing incident: Samantha Muns on behalf of Brandon Hinton at Gander Mountain. The firearm was purchased on 02/16/2016 and the gun was recovered on 02/21/2016. Muns pled guilty.

