



# Van H. Wanggaard

Wisconsin State Senator

## TESTIMONY ON ASSEMBLY BILL 678

Thank you Mr. Chairman and committee members, for this hearing on Assembly Bill 678. This is a bi-partisan bill that would make changes to state statute to address a current loophole that is allowing some suspects to go without prosecution.

Currently, no operator of a vehicle, after having received a visible or audible signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall knowingly resist by failing to stop his or her vehicle or knowingly elude, or flee from any officer so as to interfere with, or endanger the operation of the police vehicle, the traffic officer, other vehicles, or pedestrians.

This bill, as amended, changes the wording "marked police vehicle" to "marked or unmarked police" in statute. Various Wisconsin law enforcement agencies make use of unmarked police cars for different reasons and many of those vehicles are able to display emergency lighting. These lights, although more concealed, they are unmistakably identifiable as emergency lights when turned on. These unmarked vehicles are still authorized emergency vehicles and should be held in the same regard as marked police vehicles.

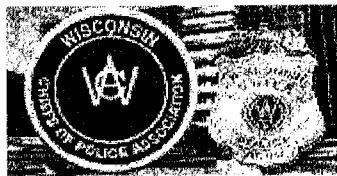
I hope you will join me in cleaning up this statute by supporting AB 678, and eliminating this loophole for those that attempt to flee or elude an officer.

Again, thank you for hearing this important bill.

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## Chiefs of Police Association

January 11, 2017

To: Chairman Spiros and Members of the Committee on Criminal Justice and Public Safety.

From: Wisconsin Chiefs of Police Association

Re: Support AB 678/SB 574

I am Chief Dennis Plantz, of the Berlin Police Department, and I am here on behalf of the Wisconsin Chiefs of Police (WCPA). The WCPA represents over 700 law enforcement leaders within municipal police agencies from communities across our state. We are here today to testify in support of AB 678 and its Senate companion bill, SB 574. We thank Representative Kleefisch and Senator Van Wanggaard for working to close this loophole in our current laws.

AB 678 and SB 574 will close a loophole in current law (WI State Statute 346.04) that criminals have figured out. The loophole allows criminals to avoid being charged when they knowingly resist, flee, or attempt to elude any officer who attempts to apprehend them using an unmarked vehicle. This is because according to the courts, our statutes do not make clear that an authorized emergency vehicle also includes an unmarked police vehicle. An unmarked vehicle is any vehicle without the word "police" on it. This applies regardless if the vehicle is outfitted with police lights and a siren.

This bill has a very narrow focus and eliminates that loophole. This bill would prevent criminals from using the loophole, by specifying that an unmarked police vehicle is an authorized emergency vehicle. This would make it illegal for criminals to knowingly resist, flee, or attempt to elude any officer who attempts to apprehend them using an unmarked vehicle.

Current law provides protections against bad actors impersonating officers using unmarked vehicles.

The law allows for anyone followed and ordered to pull over by a law enforcement officer, to continue driving at or below the speed limit with their lights on until the driver finds a location where they feel safe to pull over. Note, this is not considered fleeing. Furthermore, the driver can call 911 and verify the validity of the officer in pursuit. Under no circumstances is a motorist expected to pull over in a secluded area or ever get out of their car. They can keep driving until they drive to a well-lit area or pullover where there are many individuals.

This bill will improve the safety of the public, and the safety of the officers who serve to protect the public.

We urge the Committee to pass this legislation and thank Senator Van Wanggaard and Representative Kleefisch for sponsoring this.