



CHRIS KAPENGA

WISCONSIN STATE SENATOR

Testimony on Senate Bill 769

Senate Committee on Judiciary and Public Safety

Thursday February 6, 2020

Thank you Chairman Wanggaard and committee members for hearing testimony on Senate Bill 769 today. I also want to thank Representative Hutton for authoring this important bill with me.

In recent years an epidemic of vehicle thefts, reckless driving, and instances of fleeing an officer have been highlighted as a major public safety concern across the state. Oftentimes, these acts of crime are intertwined. For example, in November, a Milwaukee woman ran a red light nearly hitting another car. Police witnessed her driving recklessly and attempted to conduct a routine traffic stop. The driver and her passenger chose to flee. The pursuit resulted in the vehicle going airborne and crashing into a house setting multiple homes on fire. Sadly, news stories highlighting property damage, injury, and even loss of life are now seen regularly as individuals ignore the tragic consequences of their actions.

This bill first addresses vehicle theft by increasing penalties by one felony classification. It also imposes a 30-day mandatory minimum term of incarceration for vehicle theft, knowingly being a passenger in a stolen vehicle, or for removing a part of a vehicle without consent of the owner. This change would also apply to juvenile cases. All too often, we see prosecutors letting repeat juvenile offenders off with no consequences only exacerbating the vehicle theft problem. In fact, data from the Milwaukee Police and Fire Commission shows that the median age of a driver pursued by MPD has dropped from 40 years old in 2003 to 18 years old in 2016.

According to DOJ Uniform Crime Reporting statistics, 8 of the 10 most populous counties in Wisconsin have seen an increase in vehicle thefts between 2014 and 2018. This includes increases of 130% in Dane County, 125% in Winnebago County and 105% in Outagamie County. Some may highlight that vehicle thefts have dropped statewide and in Milwaukee County. However, to understand the scope of the problem it's important to know that there were still 5,120 vehicle thefts in Milwaukee County in 2018, accounting for nearly 61% of the statewide cases.

This bill also works to address the epidemic of reckless driving and instances of fleeing an officer. In 2019, the City of Milwaukee created a task force of community members, elected officials, law enforcement, and court officials to examine the problem of carjacking and reckless driving. One of the task force's recommendations includes increasing the penalties for reckless driving and fleeing an officer. This bill would adopt those recommendations by increasing penalties for reckless driving in both criminal and noncriminal instances as well as increase penalties by one felony classification for fleeing an officer.

In showing our commitment to ensuring public safety, the bill would also require a prosecutor looking to amend or drop criminal charges of reckless driving, fleeing an officer or vehicle theft to petition the court before doing so. The court may approve this application only if they find it is in the interest of deterring these crimes. This closely mirrors language in place related to drunk driving and ensures greater accountability. Lastly, this bill would also allow the court to require a defendant to attend a victim impact panel as part of their sentence. These panels have been utilized in OWI cases and evidence shows it can help to reduce recidivism.

In closing, this bill would build on 2017 Act 311, which increased penalties for carjacking, by giving law enforcement the tools they need to hold individuals accountable for their actions. By reducing instances of reckless driving and car theft we can help keep our streets safe and ultimately save lives.

Thank you Chair and committee members for your time and consideration of this bill. I would be happy to take any questions.



Rob Hutton

STATE REPRESENTATIVE • 13TH ASSEMBLY DISTRICT

February 6, 2020

To: The Senate Committee on Judiciary and Public Safety
From: Rep. Rob Hutton
Re: Senate Bill 769

Thank you Chairman and members of the committee for hearing this bill today.

The bill before you today will help address the rise in car thefts and reckless driving across our state. The stories of individuals injured and killed by reckless drivers and those fleeing from police has become an almost nightly occurrence on the news.

This bill creates a 30 day mandatory minimum for criminals who steal a car. It also increases the penalty for vehicle theft, reckless driving, and fleeing from a police office.

In addition this bill will allow a court to order an individual convicted of these crimes to attend a victim impact panel as part of their sentence. It is important that those who are committing these crimes realize the human cost of the crimes they are committing.

Several of these provisions were introduced as part of the recommendations put forward by the Milwaukee Carjacking and Reckless Driving Task Force. They are common sense provisions that will help to keep our neighborhoods safer.

Thank you again for the opportunity to testify. I look forward to answering any questions you may have.



Department of Administration
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City of Milwaukee Testimony on SB745, SB749, SB752, SB753, SB754, SB765, SB766, SB767
and SB769 Relating to: "Tougher on Crime" Package.

Senate Committee on Judiciary and Public Safety
February 6, 2020

Thank you, Chairman Wanggaard and fellow committee members, for allowing me to speak on behalf of the City of Milwaukee this afternoon. I would like to address the "Tougher on Crime" legislative package, encompassing SB 745, SB 749, SB 752, SB 753, SB 754, SB 765, SB 766, SB 767 and SB 769. The City of Milwaukee stands opposed to the passage of this entire legislative package.

While the City of Milwaukee appreciates the Legislature's intention to address crime and domestic violence victims, this legislation would not be an effective way to continue to combat these issues. As we have seen over the last three years, nearly all crime rates have been continually declining in the City of Milwaukee. From 2017 through 2019, total violent crimes are down 14% and property crimes are down 30%. Contrary to the anecdotal evidence we have heard today, the initiatives and actions of local elected officials, community leaders and law enforcement have been working to lower the crime rates.

As we have heard in previous testimony during public hearings on this legislative package, there are constitutionality issues with some of these bills, significant fiscal costs that will arise from other bills, and the restriction of judicial and prosecutorial discretion. Senate Bill 753 would lead to a significant increase in juveniles placed in correctional facilities at a time when this legislature has still not provided funding for 2017 Act 185 ordering the closure of Lincoln Hills and establishing new county residential care centers for juvenile offenders.

Senate Bill 749 is particularly problematic. There is little evidence that mandatory minimum sentences serve as an effective deterrent against criminal activity. Additionally, this bill requires a 180 day sentence regardless of the value of the merchandise taken and does not limit the timeframe for previous qualifying retail theft convictions. Incidents of retail theft from decades earlier would be counted toward a third offense.

For all of these reasons, the City of Milwaukee is opposed to the 'Tougher on Crime' legislation. Thank you again for allowing me the opportunity to testify today. I would be happy to answer any additional questions committee members may have.

NIBRS CITYWIDE PART I CRIME

Offense	2017	2018	2019	17-19 % Change	18-19 % Change
Homicide	119	99	97	-18%	-2%
Rape	445	499	460	3%	-8%
Robbery	2,950	2,326	1,993	-32%	-14%
Aggravated Assault	6,097	5,794	5,720	-6%	-1%
Burglary	5,719	4,430	3,678	-36%	-17%
Auto Theft	5,448	4,646	3,488	-36%	-25%
Theft	10,559	8,450	7,960	-25%	-6%
Arson	315	262	203	-36%	-23%
Violent Crime	9,611	8,718	8,270	-14%	-5%
Property Crime	22,041	17,788	15,329	-30%	-14%
Total	31,652	26,506	23,599	-25%	-11%

Part I crime data was obtained from the Wisconsin Department of Justice (DOJ) and reflects preliminary UCR Summary Statistics for the time period of January 1 - December 31, 2017-2019. UCR statistics are subject to change for a period of up to two years. Homicide data was obtained from the OMAP Homicide database and counts victims for the time period of January 1 - December 31, 2017-2019.



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February 5, 2020

To: Senate Committee on Criminal Justice and Public Safety

Re: Statement on "Tougher on Crime" package and opposition to SB 752, SB 753, SB 749 and SB 754

The League of Women Voters of Wisconsin has long held that the primary goal of criminal sanctions should be the protection of society through deterrence and incapacitation. While acts that inflict death or extreme bodily harm to others should also incur punishment, retribution should not be the primary goal of punishment. We believe that punishments should be humane and should seek to avoid criminalization. We have consistently supported measures that provide inmates programs that enhance their opportunities for a successful return to society.

The package of bills you are considering today would set Wisconsin on a path for corrections that is less effective in rehabilitating offenders, more expensive in tax dollars and ultimately unsustainable. At a time when the prison population in many other states has shrunk without jeopardizing public safety, Wisconsin's prison population has grown to 134% of capacity. We are faced with the prospect of building an expensive new prison to relieve the overcrowding and hazardous conditions of the prison in Green Bay. These bills threaten to exacerbate, not relieve, the problem.

We oppose four proposals in particular among the many you are considering today:

SB 752 would require the Department of Corrections to recommend the revocation of extended supervision, probation or parole for anyone charged with a new crime. Those charged would spend time in prison while waiting disposition of their cases and might be returned to prison to serve additional time. We oppose this bill because it imposes punishment before a person has received a fair trial and been convicted of a new crime. In addition, it would add to the burgeoning prison population and might result in new prison construction.

SB 754 would lengthen the list of crimes that render a prisoner ineligible for a program permitting early release to parole. Specifically, it would add to the list of crimes that render prisoners ineligible for release due to age or health conditions, and further limit prisoners eligible for special action release programs that reduce overcrowding of detention facilities. It would be a step backward in dealing with Wisconsin's burgeoning prison population.

SB 753 would expand acts for which a juvenile may be placed in a juvenile correctional facility or secured residential care center to any acts that would be considered a felony if committed by an adult. Enactment of this bill would increase the difficulties of the closure of Lincoln Hills/Copper Lakes by adding to the populations there. The League has long opposed measures that blur the distinction between juveniles and adults. We opposed measures to lower the age of delinquency from 12 to 10, make 17 year olds subject to the adult court, and waive juveniles to adult court at a younger age. AB 806 would only lead to further criminalization of juveniles.

SB 749 would mandate a minimum sentence of 180 days in jail for third conviction of shop-lifting. While some form of punishment for three convictions of the same crime seems reasonable, we nonetheless favor restorative justice programs to detention and oppose mandatory minimums.

We urge you to reject SB 752, SB 753, SB 749 and SB 754. We further urge you to evaluate all of the bills considered in today's hearing through a lens of restoration and rehabilitation, rather than punishment.