



# BOB DONOVAN

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## Testimony in Support of Assembly Bill 536

Thank you members of the Committee on Criminal Justice and Public Safety for meeting today to hear public testimony on Assembly Bill 536, which increases the penalties for criminals who flee an officer and provides minimum sentencing for especially dangerous or deadly acts.

Our streets have never been more dangerous. Criminals steal cars in mind-numbing amounts, drive them with no respect for our communities and flee from our law enforcement officers. It is sickening the devastation that they leave in their wake and the community they leave in destruction. The list of dangerous police pursuits seemingly grows everyday with no end in sight. I hope that we do not become numb to the stories, photos and videos that appear on the nightly news. We cannot allow this to continue as innocent people are often injured or killed as a result.

Statewide since 2018, we have seen a steady increase in injuries related to police pursuits with over 1,200 suspects, 185 law enforcement officers and 365 innocent bystanders – not including deaths. While pursuits have plateaued in the City of Milwaukee, roughly 1,000 per year, there has been a sharp increase in Milwaukee County. There were 1,685 in 2018 which increased to a staggering 2,072 in 2022—I fear that these numbers will only continue to climb. Milwaukee suburban communities such as Greenfield saw nearly a doubling in pursuits during that same time period.

The ill-advised decisions of the past to change and diminish law enforcements ability to pursue criminals nurtured the explosion in vehicle thefts, reckless driving and fleeing an officer we see today. Criminals exploited those decisions and we are now tasked with correcting that behavior. Assembly Bill 536 seeks to accomplish that by increasing the penalties for fleeing an officer by one classification for every form of the offense. Additionally, this legislation establishes minimum sentencing for those that cause great bodily harm and death. These are reasonable minimum sentencing requirements that ensure the criminals that inflict the most destruction are guaranteed to be held accountable.

Innocent, taxpaying citizens deserve to be safe without the constant threat of these brazen criminals. We allowed them to prosper with soft policies that sent a weak message often blaming police instead of criminals. It is time that we combat them with policies that send a strong message that enough is enough.

I want to thank the group of legislators who also recognized this as a pressing issue and decided to co-sponsor this legislation. Committee members, please join me in supporting Assembly Bill 536. I would be happy to respond to any questions or concerns about the legislation after hearing from Senator Knodl.

Best wishes,

A handwritten signature in cursive script that reads "Robert B. Donovan".

Bob Donovan  
State Representative – 84<sup>th</sup> Assembly District



WISCONSIN STATE SENATE

**DAN KNODL**

STATE SENATOR • 8<sup>TH</sup> DISTRICT

**Assembly Bill 536**

Public Testimony

Assembly Committee on Criminal Justice and Public Safety

January 11, 2024

Thank you, Chairperson Spiros and members of the committee for holding this hearing on Assembly Bill 536.

We are here today to increase penalties for fleeing an officer.

Fleeing an officer endangers not only the suspect and law enforcement, but the lives and property of the public as well. The growth in reported pursuits in recent years, and the corresponding increase in both injuries and deaths, has caught the attention of law enforcement statewide. The Milwaukee County District Attorney himself has called for the very remedy we are proposing here.

This bill will increase penalties for fleeing an officer by one felony class. As a result, fleeing an officer will become a Class H felony. If fleeing an officer causes bodily harm or property damage, it will be a Class G felony, and a class E felony with a mandatory minimum of 1.5 years of imprisonment if it causes great bodily harm to another.

I am happy to report that this bill has broad support from the law enforcement community as well as the City of Milwaukee. I would like to thank Representative Donovan for his work on this issue. We would be happy to answer any of your questions.





January 11, 2024

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

From: Wisconsin Chiefs of Police Association

Re: Support Assembly Bill 536, Fleeing an Officer

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Chairman Spiros, thank you for your willingness to hold a hearing on this legislation. We would also like to thank Senator Knodl and Representative Donovan for authoring this legislation.

Assembly Bill 536 increases the penalties for fleeing an officer and implements mandatory minimum sentences when the fleeing results in great bodily harm or death of an individual.

As restrictions on the actions of law enforcement officers increase, criminals are becoming emboldened. This proposal is one way we can show criminals that if you do not follow lawful requests from an officer, there will be consequences.

By increasing the penalties for fleeing an officer, it sends a clear message that this action is serious and with it – there are serious penalties for these actions.

Law enforcement officials are dedicated to keeping our communities safe. For some throughout the state, this may not be a significant issue, but in other areas it is a situation that happens much more frequently. Assembly Bill 536 is an additional tool for keeping our communities safe.

In addition to the Chiefs, this legislation is supported by the City of Milwaukee, the Milwaukee Police Association, and the Wisconsin District Attorneys' Association.

We, along with other law enforcement groups, ask you to support Assembly Bill 536.

Thank you again for your attention to this matter and I would be happy to take questions at this time.

Public Testimony in Support Assembly Bill 536 - Fleeing an Officer  
Criminal Justice and Public Safety Committee - 1/11/2024

Thank you to the committee for inviting Public Testimony.

Thank you to Bob Donovan for sponsoring AB536 and inviting our group to appear and speak.

I have given each of you a bookmark - please take a look at it - This is Erin Mogensen.

On November 2nd, her wedding anniversary, Erin, 32 years old and eight weeks pregnant, was killed by a reckless driver. The driver, a repeat retail theft criminal, was on concurrent probation for his previous crimes. Using a stolen vehicle with license plates removed, he fled police at a speed topping 116 miles per hour as established by the car's blackbox and crashed into Erin's vehicle; killing her almost instantly. Per video surveillance, he then fled on foot from the scene of the crash. When police apprehended him at a residence where he was hiding, he jumped out a window and tried to runaway again.

I am one of many family friends who are extremely dumbfounded by this tragedy. (I would ask everyone who is here to represent Erin to stand). This is another *senseless* and *unnecessary* death of a person who had been a valuable contributor to society in her short 32 years of life; unlike her killer who is taking that societal value away with his continued and habitual misconduct.

Erin's mom couldn't be here today because her own mother passed on Monday; but she would want us all to know and realize the reach of Erin's death - 60 people received a part of Erin through organ donation. Even in death, she remains remarkable. Erin's family is going to tell you more about this vibrant, thoughtful, larger than life, young woman. Someone who challenged herself and those around her. In that vein, I would like to challenge all of you to consider her death and the circumstances around it

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ASD-Stellenplanverfahren nicht für einen anderen

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nicht in der Weise erfolgt

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a line in the sand. That line is made up of countless reckless incidents that continue to appear on the news night after night. **Enough is Enough.**

Erin's killer is similar to the one who had been released the morning before he shot and killed Officer Peter Jerving....., and the one who committed the Waukesha parade tragedy while out on bail. I have taken the time recently to look up the "accused" violators of reckless driving tragedies that appear on the news each night. In every instance, the accused has a long list of previous crimes and are given chance after chance to commit more increasingly harmful crimes with NO consequences. The criminal behavior often originates in Milwaukee and ripples over to surrounding communities, leaving behind scores of families, innocent bystanders, damaged property AND vehicles - *none* belonging to them...and they "walk away or run away". They do not accept responsibility nor face consequences for their actions. This is a pattern and a theme that has grown increasingly out of control yet is tolerated and excused time after time. The criminals *know* they will not be held accountable. So, who should, then?

Erin was NOT in the wrong place at the wrong time. Her perpetrator should not have been on the street. He was in violation of the terms of his concurrent probation, he should have been incarcerated. But instead, when police noticed the unlicensed vehicle, he fled. And when the police discontinued their pursuit because it became too dangerous, he continued to flee; the result of his actions, fatal.

The Milwaukee Common Council acknowledged this Public Safety Crisis back in 2020, when they formed a task force to address it. Mayor Cavalier Johnson also acknowledged it with the unveiling of his multi-point plan to address it in January of 2022. Per the Milwaukee Sentinel, he said, "Milwaukee is in the midst of violence that is both unacceptable as well as unsustainable for the city."

I support AB 536 regarding doubling fines and mandatory jail time for fleeing an officer. This statewide bill initiates change to the practices that have caused the Public Safety Crisis we are experiencing today. It follows suit with AB 55 which also increased the penalties for reckless driving. State Senator LaTonya Johnson (6th District), in her letter supporting AB



55 & 56, astutely recognized that “these bills “alone” will not stop all”, in this case, ‘fleeing’ incidents, “but they will increase the price of putting our communities in danger”. The price we have been paying one life at a time. Most cases of reckless driving, including those with fatalities, start with the criminal fleeing police. Per DOT statistics, pursuits are increasing at higher and higher speeds causing greater property damage and fatalities. This bill sends a message to those who think that fleeing is ok - it is not.

I brought a list of over 75 people who submitted their name and address in support of this bill. With respect to the time taken today - I did not submit their names individually; but please know the extent of support for AB536 both within and outside of Milwaukee.

As members of the Committee on Public Safety and Criminal Justice, I ask that you also vote in favor of Assembly Bill 536. And then, act beyond that. As Representative Donovan noted, the crime is spreading into neighboring communities. The Public Safety Crisis is not only affecting Milwaukee. Especially in this instance, it has irrevocably affected many of us from other communities. Using Erin’s challenging disposition, I ask you, will *your* family member - your daughter, mother, sister, friend be next? If we don’t do more to change this trajectory, it is more and more likely they will.

Thank you for your time.  
Jeanne Lupo



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**Prepared Public Testimony of Mark Hagen, Father of Erin Mogensen**  
**Assembly Committee on Criminal Justice and Public Safety**  
**January 11, 2024**  
**Testimony in Support of Assembly Bill 536**

Thank you to members of the Criminal Justice and Public Safety Committee for holding this public hearing and allowing me an opportunity to share just one example of the critical need for Assembly Bill 536 to pass as written.

I would like to introduce you to my precious daughter, Erin Mogensen. Erin's character and essence can be best captured by a phone conversation she and I shared on November 2. Like every early morning, we talked for about 45 minutes while walking our dogs Bucky and Lambeau.

Erin was more excited than usual as it was her 4-year wedding anniversary. Her beloved husband was working that evening, but she talked about a planned special lunch with his favorite dessert, chocolate pecan pie. We also talked about our family trip to Walt Disney World, an early celebration of her sister's 40th birthday, that we would be taking in just three short days.

Erin and I were most excited to talk about the pending arrival of her child, something that she had hoped for and prayed for for many years. Her pregnancy was the dream come true that made her life complete. I ordered a baby wagon from Amazon on my phone while we walked that she and I had recently seen being used during one of our frequent visits to a Milwaukee County Beer Garden. We finished our call by setting a time for me to pick her up that evening to travel to Sun Prairie to attend her nephew's choir concert.

Less than an hour later all of Erin's hopes and dreams, everything she worked a lifetime for, were destroyed in the most horrific and violent manner possible as a serial felon, initially fleeing police officers, collided directly against her driver side door at almost seventy miles an hour, killing my daughter and unborn grandchild instantly. This evil coward never stopped to see if there was anything he could do to save her life but instead chose to collect evidence from the car he was driving, which was reported as stolen, and flee the scene.

Erin's killer was no stranger to the Wisconsin court system. In fact, one year earlier he was sentenced to one year in prison for his latest felony conviction. However, his sentence was stayed by Milwaukee County Circuit Court Branch 40 with the condition that he work 20 hours a week and complete other minimal provisions. We learned that he failed to meet those conditions, yet he remained free because, in the words of a public safety official, probation conditions are often not met, and Department of Corrections staff do not act if they do not feel it's important. Milwaukee County Judges understand this yet still release criminals knowing the conditions of probation will not be verified and are commonly ignored.

I am not suggesting Erin's killing **could** have been prevented. I am convinced that Erin's killing **should** have been prevented. If Milwaukee County judicial officials and Department of Corrections staff would have simply done their jobs instead of ignoring public safety my precious daughter would be with us today and my family would be preparing to welcome my grandchild into the world.

The epidemic of reckless driving, particularly acute when fleeing police officers, is well known and a daily fear of those of us who live in Milwaukee County. I made Erin promise me that she would not travel Capitol Drive between 92nd Street and the lakefront and, as far as I know, she never did even though it more than doubled the time it took her to travel to my house in Shorewood.

Public Testimony of Mark Hagen  
Assembly Bill 536  
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11 January 2024

I invite anyone who opposes this bill to drive along Capitol Drive. You will find automobile parts strewn at every intersection, bouquets memorializing yet another traffic death, and yard signs filling the front yards of Northside Milwaukee residents pleading with drivers to avoid reckless driving in their neighborhood.

You will also see yet another expensive and feel-good attempt at addressing reckless driving - concrete curb extensions. Predictably, these costly attempts at "calming" drivers have done nothing to curb reckless driving. Without exception, each curb extension on Capitol has been hit repeatedly. Drivers simply go over them exacerbating the reckless driving crisis in Milwaukee County.

The same people who scream from the mountaintops that we need to stop gun violence ignore the carnage and death created by reckless driving and the criminals, like my daughter's killer, who turn automobiles into killing tools. They understand the penalties for these behaviors, at least in Milwaukee County, are minimal and, in many if not most cases, simply not enforced.

Erin's funeral was held on November 19. Painfully and coincidentally, Wisconsin's Governor issued a proclamation that declared that very day World Day of Remembrance for Road Traffic Victims throughout the State of Wisconsin. I say this as a lifelong Democrat but simply signing a piece of paper or lowering a flag, without aggressive and tangible actions to reduce the carnage on our streets, exploits Erin's death and all others who have died in reckless driving accidents, to get cheap and easy media sound bites. These hollow gestures have intensified the anger and grief my family is experiencing.

My daughter's killer displayed an evil and depraved indifference to human life when he made the conscious choice to flee officers and reach speeds over 115 miles per hours in a residential area. He cared about only himself. Awareness campaigns did not stop him. Curb extensions obviously did not stop him. And Gubernatorial and Mayoral proclamations did not stop him. The only solution to evil and selfish criminals, like Erin's killer, is the knowledge that a prison term is mandatory, and they will not be able to convince a Milwaukee County Judge to disregard public safety and set them free with no accountability for their actions.

I thank the authors of this legislation for doing what the Governor, Milwaukee County elected officials and, most significantly, Milwaukee County Judges refuse to do and that is to take this epidemic of fleeing officers and reckless driving deaths seriously. I urge passage of Assembly Bill 536 to take an important first step in saving lives and preventing other families from experiencing the hell my family is forced to endure due to the indifference of Milwaukee County officials.

Respectfully submitted by Mark Hagen  
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**TESTIMONY BY MARIAN WASIERSKI IN FAVOR OF ASSEMBLY BILL 536**

**CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE**

**JANUARY 11, 2024 10:00 AM**

**MERE WORDS...WELL CHOSEN WORDS...ARE JUST WORDS. WORDS DO NOT...CANNOT EXPRESS HOW I FEEL ABOUT MY HIT AND RUN INCIDENT OF SEPTEMBER 4, 2022. I AM FILLED WITH PERVASIVE UNCERTAINTY AFTER BEING STRUCK WITHOUT WARNING BY A VEHICLE TURNING AT THE CORNER WITHOUT STOPPING WHILE I WAS WALKING ACROSS THE STREET TO MY CHURCH ONE SUNDAY MORNING. I AM LEFT IN AN EMOTIONAL 'FREE FALL' KNOWING THE DRIVER, AFTER PAUSING FOR A MOMENT, LEFT THE SCENE OF THE CRIME.**

**MY PHYSICAL INJURIES INCLUDED A BROKEN NOSE AND NECK BONE, SKIN ABRASIONS ON BOTH SIDES OF MY BODY, HEAD TRAUMA RESULTING IN SLIGHT BLEEDING IN MY BRAIN, AND BRUISING, MOST PRONOUNCED ON MY LEFT THIGH WHICH WAS THE SITE OF IMPACT. WHILE I DID NOT LOSE CONSCIOUSNESS, I DO NOT HAVE A CLEAR MEMORY OF THE INCIDENT. I DID NOT REQUIRE SURGERY AND SPENT JUST THREE DAYS IN THE HOSPITAL. IN RETROSPECT, MY PHYSICAL INJURIES HAVE HEALED WITH ALMOST NO REMAINING SIGNS OF THE INCIDENT. THE FACT THAT I AM A LIVING, FUNCTIONING BEING AT ALL IS A TRUE MIRACLE! AND I DO THANK GOD!**

**MY EMOTIONAL INJURIES HAVE BEEN HARDER TO IDENTIFY. A FEW AREAS COME TO MIND. WHILE I RETURNED TO DRIVING AFTER PHYSICAL THERAPY AND AN ADAPTIVE DRIVING TEST, I NOW STEER CLEAR OF SOME INTERSECTIONS AND STREETS. I AM HYPER AWARE AS I WITNESS EVERY DAY OVER THE SPEED LIMIT, DANGEROUS DRIVING PRACTICES. WHILE I CONTINUE TO BELIEVE IN THE GOODNESS OF PEOPLE, I KNOW SOME PEOPLE ARE NOT BEHAVING WELL SO I AM SAD, FRUSTRATED, AND DISAPPOINTED. WHILE I HAVE BEEN ABLE TO COVER MY MEDICAL COSTS, TO DATE, THE HUGE, EVER-INCREASING COST OF HEALTH CARE FRIGHTENS ME. ADDITIONALLY, I HAVE REALIZED I HAVE FEELINGS OF SURVIVOR'S GUILT. WHILE I HAVE ALWAYS BEEN A SERIOUS-MINDED PERSON, I NOW OPERATE AT A HIGHTENED INTENSITY, MORE FREQUENTLY SLIPPING INTO A SENSE OF FOREBODING, WITH A KEEN AWARENESS THAT SOMETHING BAD COULD HAPPEN.**

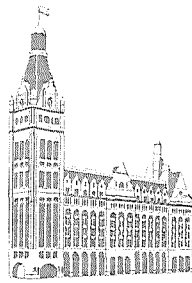
**THE WORST PART OF MY EXPERIENCE IS THE FACT THAT MINE REMAINS AN OPEN CASE. THE PERPETRATOR REMAINS AT LARGE. HOW COULD SOMEONE DO THIS TO ME? OR TO ANYONE ELSE? THE SAD FACT IS THAT IN FAR TOO MANY CASES, BOTH BEFORE MINE AND SINCE MINE, RECKLESS DRIVERS HAVE INFLICTED SERIOUS INJURY OR DEATH BEFORE LEAVING THE SCENE.**

**IT SEEMS THAT WE LIVE IN A TIME WHEN A SEGMENT OF THE POPULATION EITHER DOES NOT KNOW OR DOES NOT CARE THAT DECISIONS, CHOICES, AND BEHAVIORS HAVE CONSEQUENCES. IT SEEMS THAT SELF-CENTERED CONCERNS, DESIRES, AND ACTIONS TOO OFTEN PREVAIL TO THE DETRIMENT OF THE COMMON GOOD. IT SEEMS THAT, FOR A SEGMENT OF THE POPULATION, ACCOUNTABILITY AND TAKING RESPONSIBILITY ARE NOT VALUES OF CONSEQUENCE. DISREGARD FOR THE WELL-BEING AND SAFETY OF OTHERS CREATES OUT OF CONTROL SPACE WHICH LEADS TO TRAGEDY AND SUFFERING ON A DAILY BASIS.**

**IF ANYTHING IS CLEAR, IT IS THAT THE CURRENT RECKLESS DRIVING CRISIS IS COMPLEX. A MULTI-FACETED APPROACH IS NEEDED TO ADDRESS THE MANY RELATED ISSUES. I FAVOR AB 536 BECAUSE IT WOULD HELP TAKE CONTROL OF THE SERIOUS ISSUE OF DRIVERS FLEEING AN OFFICER OR THE SCENE OF A CRIME. BY INSERTING MORE SEVERE PENALTIES INTO THE EQUATION, OFFENDERS WILL BE MADE TO FACE SOME CONSEQUENCES TO THEIR INJURIOUS ACTIONS. OVER TIME DRIVERS WILL LEARN TO STOP RUNNING AWAY. IN THIS WRITING PROCESS, I THOUGHT ABOUT THE TEACHINGS OF PETER MAURIN, CO-FOUNDER OF THE CATHOLIC WORKER MOVEMENT. HIS LIFE-LONG GOAL WAS TO PROMOTE ORDER AND JUSTICE TO CONTRIBUTE TO CREATING A SOCIETY "WHERE IT WAS EASIER TO BE GOOD." I THINK THIS BILL WILL HELP DO JUST THAT.**

**THE OUT-OF-CONTROL BEHAVIOR HAS GOT TO STOP!**





MAYOR CAVALIER JOHNSON  
CITY OF MILWAUKEE

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January 10<sup>th</sup>, 2024

Dear Chairman Spiros and Members on the Assembly Committee on Criminal Justice and Public Safety,

I write to you today to express my personal support for Assembly Bill 536 relating to: fleeing an officer and providing a penalty. Reckless driving continues to be a scourge against our communities and all law-abiding citizens, and I am supportive of meaningful measures to address this issue.

One of the most dangerous forms of reckless driving takes place when individuals flee law enforcement officers attempting to pull over the individual. This can lead to dangerous high-speed chases and place the safety of innocent people and law enforcement officers at risk. Reckless actions of this nature cannot be tolerated, and I support convicted perpetrators of these crimes being held accountable. Assembly Bill 536 would do exactly that. By increasing the penalties for these offenses, we are sending a clear message to these irresponsible individuals that this risky and life-threatening behavior will no longer be tolerated.

I would like to thank Rep. Donovan for his work on this legislation, and his continued efforts to work with my Administration in Madison to advocate for statutory changes to address reckless driving in the City of Milwaukee and across Wisconsin. I appreciate the work of this committee to provide this bill a public hearing and encourage its passage. Thank you all for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cavalier Johnson', written in a cursive style.

Mayor Cavalier Johnson