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# SHAE SORTWELL

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STATE REPRESENTATIVE • 2<sup>nd</sup> ASSEMBLY DISTRICT

**Hearing Testimony**  
**Assembly Committee on Judiciary**  
**October 19, 2023**  
**Assembly Bill 59**

Chairman Tusler and members of the Assembly Committee on Judiciary – Thank you for giving me the opportunity to speak on AB 59, which would provide victim compensation for damage to a building by means of fire or explosives.

Innocent victims of violent crimes often undergo financial hardships as a result of the offenses committed. As a resource for compensation to pay for these hardships, such as medical treatment, lost wages, and funeral expenses, the State of Wisconsin provides a Crime Victim Compensation Program for victims of certain crimes.

One serious crime not included as compensable is damage to a building via fire or explosive (arson), which is currently a Class C felony. Although not physically injured, arson victims suffer significant financial loss. We all heard the tragic stories of the building and small business owners who were victims of the 2020 Kenosha rioting. You will also hear from one of my constituents, who would have benefited from this bill when his barn was set on fire and insurance did not cover the full amount.

This legislation would add arson victims as a party to potentially be compensated by the Crime Victim Compensation Program. The financial assistance will help victims and their families get their lives back on track and help rebuild their homes and small businesses.

I appreciate the opportunity to testify on this legislation and would gladly answer any questions the committee may have.



# Van H. Wanggaard

Wisconsin State Senator

October 19, 2023

## Testimony on Assembly Bill 59

Thank you Chairman Tusler and committee members for hearing Assembly Bill 59 today. As many of you know, I have spent many years fighting for crime victims and their families. The bill that I am bringing forward today addresses a unique problem facing certain crime victims that I believe needs to be addressed, and I appreciate Representative Sortwell coming to me with this idea.

Assembly Bill 59 makes a change to the Crime Victim Compensation Fund (the Fund) by allowing building owners, whose building was intentionally damaged or destroyed by means of fire or explosives (arson) to be eligible to be reimbursed through the Fund for expenses that resulted from that crime.

The Crime Victim Compensation Fund is one way for innocent victims to recoup expenses that were a result of a crime. The Fund has very specific rules for who is eligible. Currently, in order for someone to be eligible, they need to be a victim of a crime specified by DOJ, and have suffered physical injury, or be a family member of someone who was killed as a result of a specified crime. In addition, there is a \$40,000 maximum amount that can be awarded to a person. Therefore, the award amount often does not cover all of the victim's expenses but it is meant to alleviate some financial stress.

For many people, the largest investment a person will make in their life is in their home. For small business owners, it may be in their business, or the building that their business is in – which for some is their home too. Losing it has devastating financial consequences. Unfortunately, if a person loses their home or their business due to arson they are not eligible for the Crime Victim Compensation Program. I believe this is wrong, and that's why I propose we make this change.

Arson victims can lose their shelter, personal effects, sources of income, and livelihoods. Providing them some assistance in their moment of need will alleviate some of the financial burden, and help individuals get back on their feet.

Thank you for your consideration of Assembly Bill 59. I encourage you to support its passage.

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**Eligible expenses include:**

- Medical, hospital, surgical, pharmacy, and mental health counseling expenses.\*
- Lost wages for medical disability.
- Loss of support to a dependent of a crime victim who is killed.
- Reasonable replacement costs of clothing or bedding held as evidence- up to \$300.
- Reasonable replacement value of any computer or mobile telephone held as evidence- up to \$200.
- Reasonable replacement value of property held as evidence and rendered unusable by crime lab testing- up to \$200.
- Reasonable and necessary costs for securing and cleaning a crime scene- up to \$1,000.
- Cost of caregiver services.
- Reasonable funeral expenses- up to \$5,000.
- Expenses related to mental health treatment and work loss for a parent of a minor victim- up to \$3,000 per parent.
- Reasonable and necessary housing adaptations if the victim suffered a protracted disability- up to \$5,000.