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Testimony before the Senate Committee on Judiciary and Public Safety

Senator André Jacque

January 11, 2024

Chairman Wanggaard and Colleagues:

Thank you for the opportunity to testify in support of Senate Bill 809, a reintroduction of 2021 SB 53/AB 42, requested by prosecutors and all of law enforcement to properly charge cases involving domestic abuse and gang-related violence.

Under current law, a person entering into any building or dwelling or certain other places with the intent to steal is guilty of a Class F felony, while entering those same locations with the intent to cause bodily harm (and causing bodily harm up until certain statutory thresholds are met) is generally only chargeable as a misdemeanor.

In other words, it is a felony to attempt to steal items from someone's garage but only a misdemeanor to break in to their house or apartment to try/begin to beat them up. For general reference, the Brown County District Attorney estimates that his office is limited to charging a lesser penalty for attempted batterers under this scenario approximately 5 to 10 times every year.

SB 809 provides a common sense fix to remove the disproportionate treatment of property crimes over crimes against bodily security by raising the penalty for entering with intent to commit battery to also be a Class F Felony. This legislation has passed committees in both chambers multiple sessions and the full State Senate the last two sessions on voice votes. It passed the full Assembly during the '17-'18 session, but was not taken up before the end of last session.

Additional explanation for this legislation from the Brown County District Attorney is available in the TV story at this link: <https://www.wbay.com/content/news/Prosecutors-law-valuing-property-over-people-needs-to-change-463746163.html>

Thank you for your consideration of Senate Bill 809. I'm happy to answer any questions.



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Senate Committee on Judiciary and Public Safety

Testimony from Rep. William Penterman in favor of Senate Bill 809

Thank you, Chairman Wanggaard, for holding a public hearing on Senate Bill 809 (SB 809) and thank you to members of the committee for taking my testimony.

SB 809 is a bill that seeks to rectify the disproportionate treatment between property crimes and crimes against bodily security by appropriately raising the penalty for entering with the intent to commit battery to a felony, which currently is a misdemeanor.

Under the existing law, individuals entering buildings or dwellings with the intent to steal are charged with a Class F felony, while those entering the same locations with the intent to cause bodily harm, even up to certain statutory thresholds, are only chargeable with a misdemeanor. This incongruity results in a situation where attempting to steal items from a garage is treated more severely than breaking into a residence with the intent to cause harm.

SB 809 addresses this issue with a common-sense fix, ensuring that the penalty for entering a place with the intent to commit battery is consistent with the severity of the crime. By elevating this offense to a felony, the bill aligns the legal consequences with the gravity of the act, promoting a fair and just system.

In conclusion, I urge support of SB 809, ensuring its passage to rectify the current imbalance in our legal system. By doing so, we take a significant step towards a more equitable and just society where crimes against individuals are appropriately addressed. Thank you for your attention to this matter and for your commitment to the well-being of our community.