



Assembly Committee on Criminal Justice and Public Safety Testimony in Support of Wisconsin Assembly Bill 29 March 5, 2025

Chair Spiros and members of the Assembly Committee on Criminal Justice and Public Safety, thank you for holding a public hearing on Assembly Bill 29 (AB 29) relating to impoundment of vehicles used in certain traffic offenses. AB 29 is a crucial step toward enhancing public safety on our roads and deterring dangerous driving behaviors that put all Wisconsinites at risk.

Reckless and impaired driving remain significant concerns in Wisconsin, leading to preventable accidents, injuries, and fatalities each year. Current penalties often fail to deter repeat offenders or those who flagrantly disregard traffic laws. By empowering law enforcement to impound vehicles involved in specific traffic offenses, AB 29 addresses this gap, providing a tangible consequence that can effectively discourage such behaviors.

AB 29 allows law enforcement officers the authority to immediately impound vehicles used in certain traffic offenses: operating a vehicle without a license, speeding more than 25 miles per hour above the speed limit, fleeing from a law enforcement officer, or racing on a highway.

The bill also establishes a legal process allowing certain individuals to petition the court for the vehicle's release. If the person cited is found guilty, the court must impose and collect impoundment costs, including storage fees. If an impounded vehicle remains unclaimed for more than 90 days after the impoundment period, the law allows for its disposal under existing abandoned vehicle procedures.

Furthermore, the two introduced amendments help strengthen this legislation. Amendment 1 requires each law enforcement agency to establish a policy regarding vehicle impoundment under the bill's authority and clarifies that storage costs are among the fees that must be collected from offenders. Amendment 2 provides an exception to the 90-day impoundment rule for stolen vehicles, mandating that law enforcement return them to their rightful owners without fees and make reasonable efforts to notify them.

AB 29 represents a proactive approach to enhancing road safety in Wisconsin. By authorizing the impoundment of vehicles used in serious traffic offenses, we can deter dangerous driving behaviors, hold offenders accountable, and ultimately save lives.

Thank you for your consideration of Assembly Bill 29.



Testimony before the Assembly Committee on Criminal Justice and Public Safety

State Senator André Jacque

March 4, 2025

Chairman Spiros and Members:

Thank you for holding this hearing and the opportunity to appear before you with Rep. Penterman today as the lead authors of Assembly Bill 29, a reintroduction 2023's Assembly Bill 930/Senate Bill 410, which passed the Senate Committee on Judiciary and Public Safety last session on a bi-partisan 6-1 vote. When individuals get behind the wheel of a vehicle with no intent of obeying the traffic laws that were enacted to keep everyone safe, they put themselves and everyone else on the road in danger. Whether you are driving to work, taking your kids to the park, going to the grocery store, or coming in from a night out, we all deserve to feel safe on the road.

Unfortunately, many individuals are undeterred by present penalties for repeated hazardous driving behavior, to the point that removing access to a vehicle becomes a necessary consideration.

Assembly Bill 29 adds impoundment for up to 90 days to the list of penalties which can be imposed for traffic offenses which endanger public safety, including fleeing from a law enforcement officer, speeding more than 25 miles per hour above the speed limit, racing on a highway, and operating a vehicle without a license more than 3 months after expiration or with a revoked operating privilege. As impoundment costs are otherwise currently borne by local government, this legislation would newly establish that a person found guilty of the violation upon which the impoundment is based must pay the costs that the law enforcement agency reasonably incurs for the impoundment of the vehicle. In addition, the law enforcement agency impounding the vehicle shall release it upon the request of the owner if the law enforcement agency is satisfied that the vehicle was not being operated with the owner's consent at the time of the violation.

This legislation has been requested by numerous law enforcement officials and has been formally supported by Mothers Against Drunk Driving (MADD), the Wisconsin Professional Police Association, Wisconsin Chiefs of Police Association, the City of Milwaukee, Milwaukee Police Association, Badger State Sheriffs Association, Wisconsin Sheriffs and Deputy Sheriffs Association and the Wisconsin State Lodge of the Fraternal Order of Police. This idea was first suggested to me by former Green Bay Police Chief Jim Arts and I introduced similar legislation with former Rep. David Bowen at the end of the 2021 session.

Assembly Bill 29 is complementary to and does not conflict with last session's enacted 2023 Wisconsin Act 1 (AB 56/SB 92 - impoundment of vehicles used in certain reckless driving offenses), as you see described in the chart below:

| | 2023 Wisconsin Act 1 | Assembly Bill 29 |
|-----------------------|---|--|
| Covered Jurisdictions | Local governments that adopt an ordinance | Statewide |
| Covered Offenses | Reckless driving, if cited person has an outstanding unpaid reckless driving forfeiture | Operating without a license, (more than 3 months after expiration), operating after revocation, speeding (greater than 25 mph over limit), fleeing a law enforcement officer, racing |

| | 2023 Wisconsin Act 1 | Assembly Bill 29 |
|---------------------------|---|--|
| Period of Impoundment | Undefined (until previously unpaid forfeiture paid) | 90 days, subject to extension by court |
| Allows recovery of costs? | Yes | Yes |

There are also two amendments that we have introduced that have already been adopted by the Senate Judiciary and Public Safety Committee earlier this session. Assembly Amendment 1 requires that each law enforcement agency establish a policy regarding the agency's impoundment of vehicles under the authority created by the bill. The amendment also clarifies that storage costs are among the types of incurred costs that must be collected from the person found guilty of the violation.

Senate Amendment 2 creates an additional exception to the general 90-day impoundment period for situations in which the impounded vehicle has been reported as stolen. Specifically, it requires the law enforcement agency, upon impounding a vehicle, to make a reasonable effort to determine if the vehicle has been reported as stolen. If the impounded vehicle has been reported as stolen, the law enforcement agency must make a reasonable attempt to contact the owner and must return the vehicle to its owner without the payment of a fee or charge. If a vehicle reported as stolen remains unclaimed for more than 90 days after impoundment, the law enforcement agency may dispose of the vehicle using current law procedures for disposal of abandoned vehicles

Thank you for your consideration of Assembly Bill 29. I'd be happy to answer any questions.



March 5, 2025

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

From: Wisconsin Chiefs of Police Association

Re: Support Assembly Bill 29 – Impoundment of Vehicles Used in Certain Traffic Offenses

Chairman Spiros, thank you for your willingness to hold a hearing on this legislation. We would also like to thank the authors, Representative Penterman and Senator Jacque, for introducing this bill.

We urge support for Assembly Bill 29.

Public safety officials are focused on providing additional tools to help keep communities safe.

Assembly Bill 29 could be one of those additional tools. The proposal would allow for the immediate impoundment of a vehicle used in certain offenses to include:

- Operating without a license or with a revoked operating privilege
- Speeding at a rate over 25 mph above the speed limit
- Fleeing from a law enforcement officer
- Racing on a highway

Our association believes that policies of this nature are natural deterrents for offenders. Immediate consequences will get the attention of repeat offenders.

The Wisconsin Chiefs of Police Association supports this legislation and asks that the committee move forward on this legislation.

We would be happy to answer any questions regarding this legislation.