



**ANDRÉ JACQUE**

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*Testimony before the Senate Committee on Judiciary and Public Safety*

Senator André Jacque

Senate Bill 77

*April 1, 2025*

Chairman Wanggaard and Colleagues:

Thank you for the opportunity to testify in support of Senate Bill 77. This legislation is a reintroduction of 2023 SB 809, which passed the Senate last session in a bipartisan 24-8 vote. It has been requested by prosecutors and law enforcement as a whole in order to more properly charge cases, particularly 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 or 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 at least 5 to 10 times every year.

SB 77 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, the full State Assembly a few sessions ago, and the full State Senate the last two sessions on voice votes.

Thank you for your consideration of Senate Bill 77. I'm happy to answer any questions.



WISCONSIN STATE REPRESENTATIVE

# Brent Jacobson

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87TH ASSEMBLY DISTRICT

## Testimony in Support of Senate Bill 77

Senate Committee on Judiciary and Public Safety

April 1<sup>st</sup> 2025

Chairman Wanggaard and members of the Committee on Judiciary and Public Safety, thank you for holding a public hearing on Senate Bill 77. This legislation reconciles a discrepancy in treatment between property crimes and crimes against an individual's physical security and safety.

Under current law, if a person enters a place without consent, and an intent to steal can be demonstrated, that person will face a Class F felony. This carries a penalty of up to \$25,000 in fines and up to 12 ½ years in prison. In contrast, if that person entered with the intent to beat or otherwise physically batter someone, in many cases the most they can be charged with is a misdemeanor. AB 65 offers a common-sense resolution to this disproportionate treatment by making entry with intent to commit battery also a Class F felony.

As state legislators, we have the responsibility to make sure Wisconsin's statutes adequately address crimes, and to ensure that those individuals who victimize members of our community face proportionate consequences. We owe it to victims of domestic abuse and gang-related violence to ensure that those who would commit such crimes are not subject to lesser charges than someone who is caught breaking into someone's garage to steal.

Thank you once again for your time and consideration. I respectfully ask for your support of SB 77, and I am available to answer any questions.

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April 1, 2025

Senator Van Wanggaard, Chair  
Senator Jesse James, Vice-Chair  
Chairman of the Senate Committee on Judiciary and Public Safety  
Wisconsin State Capitol

RE: Letter of Support for Senate Bill 77  
Entering with Intent to Commit Battery

Dear Senators Wanggaard and James:

I am writing to express my support for Senate Bill 77, which would modify Wisconsin's Burglary statute to include entering certain places with intent to commit a battery. Unfortunately, I am not able to attend the public hearing on April 1, 2025, but I would ask that you accept this letter in lieu of any testimony.

In my view, the present bill represents a logical and straightforward modification to the Burglary statute which elevates a crime against bodily security to put it on par with current treatment of property crimes. Under the current the law, a teenager who enters a garage, without consent, and with intent to steal any item, no matter how small, could be charged with Burglary, a Class F felony. However, a jealous former spouse, stalker, domestic terrorist, or even a rival gang member who enters a home, without consent, and with intent to physically harm the crime victim could typically only be charged solely with misdemeanor offenses. Based on my discussions with prosecutors in my office and around the state, the latter example is far more serious than the former and is deserving of a potential penalty called for in the Burglary statute.

The above-referenced scenarios are not uncommon, rather, this situation occurs several times every year in Brown County alone. Prosecutors will frequently use their discretion to charge lesser offenses for the property crimes described above, but also frequently lament their inability to charge a more

serious crime for the extremely traumatic home invasion with intent to commit battery. Given our current climate, where threats of physical violence seem to be increasingly common, the proposed modification to the Burglary statute would provide law enforcement and prosecutors with that necessary tool to address physically violent conduct and to provide safety and security for victims of crime.

Thank you for your consideration in this matter. Should you have any questions or concerns, please feel free to contact me at your convenience.

*Electronically Signed By:  
David L. Lasee  
District Attorney*

DLL/tcr



# Wisconsin State Lodge *Fraternal Order of Police*



PO Box 206 West Bend, WI 53095

**Ryan Windorff**  
President

**Mark Sette**  
Vice President

**Ryan Miller**  
Secretary

**Randy Winkler**  
Treasurer

**Travis Vickney**  
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**Shane Wrucke**  
Sergeant at Arms

**Don Kapla**  
Immediate Past President

**Jerry Johnson**  
National Trustee

## **Testimony in Support of Senate Bill 77** **Senate Committee on Judiciary and Public Safety**

April 1, 2025

To the Honorable Members of the Senate Committee on Judiciary and Public Safety,

Unauthorized entry into homes, businesses, or other protected spaces with the intent to commit violence, such as battery, represents a dangerous escalation of criminal behavior in Wisconsin. These acts—driven by a lack of respect for personal safety and property rights—threaten residents, workers, and law enforcement officers who respond to such incidents. Too often, individuals who break into these places with violent intent exploit gaps in current law, facing penalties that fail to match the severity of their actions or the fear they instill in communities. We offer full support for Senate Bill 77, which addresses this problem by classifying entry with intent to commit battery as a serious felony, ensuring that such offenders face appropriate consequences to protect the public and deter future crimes.

Those who intentionally enter a dwelling or certain other places without consent already pose a significant risk, but when their purpose is to inflict physical harm, the danger to victims and responding officers increases dramatically. These intrusions are not mere property crimes—they are premeditated acts of aggression that undermine the safety and security of our communities.

Under current law, burglary with intent to steal or commit a felony is a Class F felony, punishable by up to 12 years and 6 months in prison or a \$25,000 fine, or both, and rises to a Class E felony—carrying up to 15 years or a \$50,000 fine, or both—if additional circumstances apply. However, entering with intent to commit battery, as defined under sections 940.19(1) or 940.195(1), is not explicitly covered with the same clarity. Senate Bill 77 amends section 943.10(1m)(intro.) to include this intent as a Class F felony, or Class E felony under aggravating conditions, aligning it with other serious burglary offenses. This change ensures that those who plan to assault others after breaking in face penalties that reflect the violent nature of their intent, providing a stronger deterrent and a clearer tool for law enforcement to address these threats.

This legislation strengthens public safety by recognizing the heightened risk posed by these offenders. When individuals enter a home or business intending to commit battery, they create volatile situations that our members—law enforcement officers—must confront, often at great personal risk. The fear and trauma inflicted on victims, coupled with the burden on officers to respond to such calls, demand a legal response that matches the crime’s impact. Senate Bill 77 delivers that response, ensuring that these acts are treated with the seriousness they warrant and supporting efforts to keep communities safe.





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We urge the Senate Committee on Judiciary and Public Safety to advance Senate Bill 77 promptly. Passage of this legislation will reinforce Wisconsin's commitment to protecting its residents and law enforcement officers from those who combine trespass with violent intent.

Thank you for your consideration.

Respectfully,

Ryan Windorff  
President

*The Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, with over 379,000 members in more than 2,200 lodges. The Wisconsin State Lodge proudly represents more than 3,600 members in 33 lodges throughout the state. We are the voice of those who dedicate their lives to protecting and serving our communities. We are committed to improving the working conditions of law enforcement officers and the safety of those we serve through education, legislation, information, community involvement, and employee representation.*