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## WISCONSIN LEGISLATIVE COUNCIL

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### REVIEW OF CRIMINAL PENALTIES

Room 411 South  
State Capitol

June 24, 2014  
10:00 a.m. – 3:40 p.m.

[The following is a summary of the June 24, 2014 meeting of the Study Committee on the Review of Criminal Penalties. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

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#### Call to Order and Roll Call

Chair Hutton called the committee to order. The roll was called and a quorum was determined to be present.

COMMITTEE MEMBERS

PRESENT:

Rep. Rob Hutton, Chair; Sen. Fred Risser, Vice Chair; Reps. Mandela Barnes, Adam Neylon, Daniel Riemer, and John Spiros; and Public Members Edward Bailey, Keith Belzer, Adam Gerol, Judge Scott Horne, Jill Karofsky, Ben Kempinen, Judge David Reddy, and Michael Tobin.

COMMITTEE MEMBER EXCUSED:

Public Member Judge Donald Zuidmulder.

COUNCIL STAFF PRESENT:

Mike Queensland and David Moore, Staff Attorneys.

APPEARANCES:

Terry Anderson, Director, Legislative Council Staff; Thomas Hammer, Professor, Marquette University Law School; Tony Streveler, Director of Research and Policy, Department of Corrections; A. John Voelker, Director, Director of State Courts Office; and Terry Dryden, Sheriff, Washburn County.

## **Opening Remarks**

Terry Anderson, Director of the Legislative Council Staff, welcomed the members of the Study Committee. Mr. Anderson introduced the Legislative Council Staff members assigned to assist the committee and explained the general rules and guidelines for serving on study committees. He also discussed the process for reimbursement of public member expenses related to committee business.

## **Introduction of Committee Members**

Chair Hutton introduced himself and welcomed the committee members. Upon the Chair's request, members briefly introduced themselves.

## **Presentations by Invited Speakers**

Thomas Hammer, Professor, Marquette University Law School, delivered a presentation on sentencing and crime classification in Wisconsin. As Professor Hammer was a member of and the reporter for the Wisconsin Criminal Penalties Study Committee (which was created to develop legislation and make recommendations for the implementation of truth in sentencing), he discussed the process that committee used when reviewing and classifying felony offenses. Professor Hammer also provided a primer on misdemeanor penalties and identified a number of challenges and opportunities, for this committee, of reviewing and possibly classifying these offenses. Following Professor Hammer's presentation, the study committee discussed several topics, including the financial obligations that exist beyond any criminal fine imposed and the challenges of implementing a new penalty structure.

Kurt Klomberg, Dodge County District Attorney, provided the committee with an overview of how his office makes charging decisions and the role criminal penalties play in making those decisions. District Attorney Klomberg told the committee that one change to the current misdemeanor penalties that would provide his office with more flexibility would be to raise the one-year cap on the length of probation that can be imposed for most misdemeanor offenses. Following District Attorney Klomberg's presentation, the study committee discussed the relationship between increasing probation time and collecting restitution for crime victims.

John Voelker, Director of the Office of State Courts, Tony Streveler, Director of Research and Policy for the Department of Corrections (DOC), and Terry Dryden, Washburn County Sheriff, delivered a presentation that summarized various trends in the criminal justice system with respect to incidences of particular types of crime, arrests for various crimes, criminal case filings, and changes in jail and prison population. In response to committee questions related to probation revocation, Mr. Streveler indicated that he would be able to provide more data on probationers under the supervision of DOC later this summer.

## **Discussion of Committee Assignment**

Chair Hutton reviewed the committee's scope statement and asked for committee members to make suggestions about issues within that scope that would be appropriate for the committee to address. Several committee members indicated that the substance of the committee's scope would best be addressed by forming one or more subcommittees, which could evaluate discrete issues and present recommendations to the committee. Based on those suggestions, Chair Hutton told the committee that he would form a subcommittee that would be directed to: (1) identify offenses that are outdated and could be taken off the books; and (2) make recommendations concerning the classification of misdemeanors. Chair Hutton also noted recommendations made by committee members about various topics members would like to hear presentations on at the next meeting, such as evidence-based sentencing practices and the effect of criminal penalties on communities.

## **Other Business**

The next meeting will be held at the call of the chair.

## **Adjournment**

The meeting was adjourned at 3:40 p.m.

DM:ksm