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Details:

(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2009-10

(session year)

### Assembly

(Assembly, Senate or Joint)

### Committee on ... Criminal Justice (AC-CJ)

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Assembly

### Record of Committee Proceedings

#### **Committee on Criminal Justice**

##### **Assembly Bill 232**

Relating to: duties upon striking a person or an attended or occupied vehicle and providing a penalty.

By Representatives Bies, Kaufert, Lothian, Mursau, Nass, Nerison, Petrowski, Spanbauer, Suder, Townsend and Zepnick; cosponsored by Senators A. Lasee, Lassa, Darling and Olsen.

April 23, 2009 Referred to Committee on Criminal Justice.

October 15, 2009 **PUBLIC HEARING HELD**

Present: (9) Representatives Turner, Kessler, Hraychuck, Soletski, Pasch, Friske, Kramer, Brooks and Ripp.

Absent: (2) Representatives Staskunas and Kleefisch.

##### Appearances For

- Gary Bies — State Representative, 1st Assembly District

##### Appearances Against

- None.

##### Appearances for Information Only

- None.

##### Registrations For

- Jeffrey Wiswell, Sr. — WI Sheriffs and Deputy Sheriffs Association
- Alice O'Connor — WI Chiefs of Police Association

##### Registrations Against

- None.

##### Registrations for Information Only

- None.

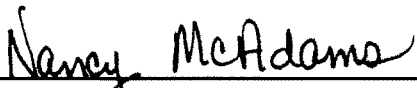
November 12, 2009 **EXECUTIVE SESSION HELD**

Present: (10) Representatives Turner, Kessler, Staskunas,  
Soletski, Pasch, Kleefisch, Friske, Kramer,  
Brooks, Ripp.

Absent: (1) Representative Hraychuck.

April 22, 2010

Failed to pass pursuant to Senate Joint Resolution 1.

  
\_\_\_\_\_  
Nancy McAdams  
Committee Clerk



## Vote Record Committee on Criminal Justice

Date: 11-12-09

Moved by: Rep. Kleefisch      Seconded by: \_\_\_\_\_

*asked for unanimous consent*

AB 232      SB \_\_\_\_\_      Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_      SJR \_\_\_\_\_      Appointment \_\_\_\_\_  
 AR \_\_\_\_\_      SR \_\_\_\_\_      Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:  
 Passage       Adoption       Confirmation       Concurrence       Indefinite Postponement  
 Introduction       Rejection       Tabling       Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Representative Robert Turner, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Frederick Kessler</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Anthony Staskunas</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Ann Hrachuck</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Representative James Soletski</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Sandy Pasch</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Joel Kleefisch</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Donald Friske</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Bill Kramer</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Edward Brooks</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Keith Ripp</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>10</u>	_____	_____	<u>1</u>

Motion Carried       Motion Failed





STATE REPRESENTATIVE  
**Garey Bies**  
1<sup>ST</sup> ASSEMBLY DISTRICT

SEP 17 2009

September 17, 2009

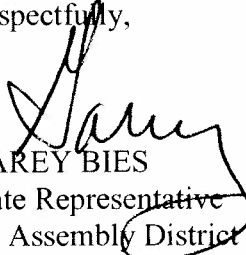
Representative Bob Turner  
Room 223 N. State Capitol  
Madison, WI 53702

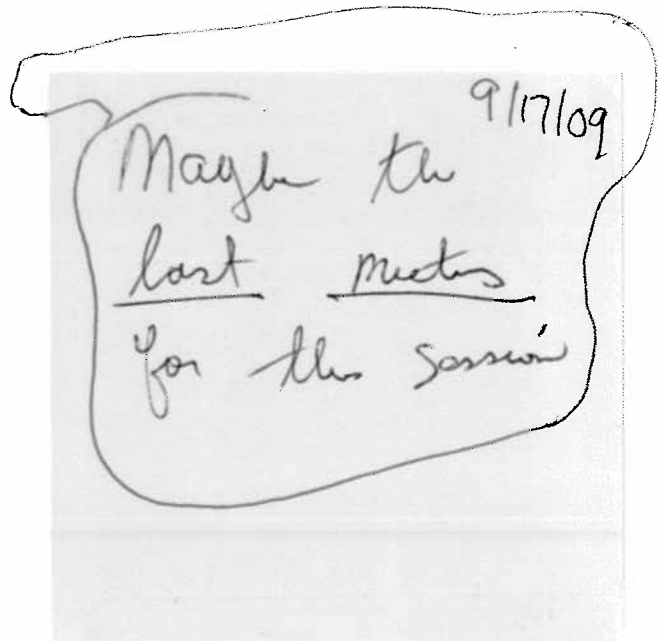
Dear Representative Turner:

Assembly Bill 232, which resolves a conflict that exists concerning whether an injury hit-and-run crime is a felony or misdemeanor, of which I am the primary author, has been referred to the Assembly Committee on Criminal Justice. As you are the Chair of the Criminal Justice Committee, I would like to formally request the Committee hold a public hearing on AB 232.

Thank you for your attention to this matter. Please feel free to contact me with any questions you may have.

Respectfully,

  
GAREY BIES  
State Representative  
1st Assembly District



*First for Wisconsin!*

**Capitol:** P.O. 8952, Madison, WI 53708-8952 • (608) 266-5350 • Fax: (608) 282-3601  
Toll-Free: (888) 482-0001 • Rep.Bies@legis.wi.gov  
[www.legis.state.wi.us/assembly/asm01/news/](http://www.legis.state.wi.us/assembly/asm01/news/)

**Home:** 2520 Settlement Road, Sister Bay, WI 54234 • (920) 854-2811





## McAdams, Nancy

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**From:** Rep.Staskunas  
**Sent:** Thursday, November 12, 2009 4:11 PM  
**To:** Rep.Bies  
**Cc:** Rep.Turner; Rep.Kessler; Rep.Soletski; Rep.Hraychuck; Rep.Pasch; Rep.Kleefisch; Rep.Friske; Rep.Kramer; Rep.Brooks; Rep.Ripp  
**Subject:** Assembly Bill 232

Garey –

I wanted to let you know that in reviewing testimony and notes taken during the public hearing on AB 232 there had been concerns raised about the proposal. As a result of these concerns AB 232 wasn't voted on by the Criminal Justice Committee today so that we could clarify the language in the bill. Specifically, our Legislative Council staff recommended looking at the language in Senate Bill 363, a similar proposal which you co-sponsored. It seems as though the approach taken in SB 363 would alleviate the concerns raised by our committee members at the public hearing. I would be glad to work with you on an amendment if you are interested in doing so. I wanted you to know that the lack of a committee vote today wasn't an attempt to derail your proposal.

Thanks,

Tony





**Written Testimony of Representative Garey Bies  
Assembly Committee on Criminal Justice  
Assembly Bill 232 – Felony Hit and Run**

Date ?

Good morning committee members, I appreciate the opportunity to submit my testimony in support of Assembly Bill 232, relating to duties upon striking a person or an attended or occupied vehicle and providing a penalty.

This bill is straight forward and came to me at the request of Dane County District Attorney Brian Blanchard. Currently, there is a conflict in the statutes as it relates to hit and run incidents involving injury. Under Chapter 346.74(5)(b) injury hit and run incidents can be ruled, and are ruled as misdemeanors. However, under Chapter 346.74(5)(e) injury hit and run incidents can be charged as felonies. The statutes lack clear direction. Assembly Bill 232 provides that direction by establishing that injury hit and run incidents are felonies.

The question with this legislation is not whether the conflict within Chapter 346 should be resolved, but whether an injury hit and run should be a felony. It is my opinion as a former law enforcement officer that if an individual has such disregard for the welfare of another that they would leave the scene of an accident without checking on the well-being of others and an injury is involved, they should be charged with a felony.

I should also mention that Legislative Council recently brought to my attention a ruling this past summer in Circuit Court that gave some clarification to the statutes in this area. However, I would still maintain the importance of the legislation. If the courts agree with what this legislation is trying to accomplish, then the relevance of this legislation is not lessened in the slightest.

Thank you for the opportunity to come before you today to present Assembly Bill 232. As I mentioned, this bill is pretty simple, so at this time I would be happy to take any questions that you may have.

*First for Wisconsin!*

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