



WISCONSIN STATE REPRESENTATIVE

Dianne Hesselbein

79TH ASSEMBLY DISTRICT

TESTIMONY OF REP. DIANNE HESSELBEIN, DISTRICT 79

INSUPPORT OF ASSEMBLY BILL 180

June 2, 2015 – Committee on Criminal Justice and Public Safety

CHAIRMAN KLEEFISCH and members of the committee:

I appreciate that this is a busy time for everyone in the Legislature, and I am grateful that you have schedule this time for a hearing on AB 180, which I am sponsoring in the interest of our Wisconsin veterans.

This bill would expand current law to enable and encourage judges to consider a diagnosis of PTSD – Post-Traumatic Stress Disorder -- as a mitigating factor when sentencing military veterans on criminal charges.

The idea for this legislation came from a local VFW meeting in Middleton where the former mayor, Doug Zwank, who is a Vietnam veteran, asked me to look into the case of Eric Pizer. You may remember Eric's story. He is a decorated marine who served in Iraq and came home in 2004. Just a couple of days after arriving home from combat he found himself in a bar fight in Boscobel. Someone came at him from the side and he broke the guy's nose with one punch. He said it was a reflex that he later regretted and apologized for. But the prosecutor charged him with a felony and he was convicted.

Because he has a felony conviction he can't own a weapon and can't become a police officer, which was his plan. He earned an associate's degree in criminal justice. He applied to Governor Walker for a pardon, and dozens of veterans have asked the governor to pardon him, but the governor so far has refused to make an exception to his no-pardon rule for Eric.

In the law, at sentencing, there can be aggravating factors that call for harsher treatment and mitigating factors that call for leniency. The bill that is in front of us today would let a judge apply leniency in the cases of veterans with PTSD. It is important to note: this law would not *require* judges to do anything. But it would make it possible for them to do the right thing. It would allow them to cite PTSD as an allowable mitigating factor if they found it appropriate.

We can't say whether this law would have helped Eric Pizer because it does require a medical diagnosis. But it is an important place to start in obtaining justice for men and women who have served, suffered, and committed criminal offenses during their transition to civilian life.

It's estimated that more than 2 million Americans have been deployed to the global war on terror since 9/11, and over 810,000 have been deployed more than once to Operation Iraqi Freedom, Operation Enduring Freedom, and Operation New Dawn. It is also estimated that about 20 percent of the veterans returning home from combat have PTSD. But only 5 percent of them find themselves in trouble with the law.

Other states have begun to respond to this situation with laws like the one we are discussing today. Alaska was the first, in 2014, followed by California and Kansas. States are also creating special veteran drug treatment courts, and I am proud that we have initiated one in Dane County. It is presided over by Judge David Flanagan, himself a Vietnam vet. Recently, had the first graduate of that court successfully completed a rehab program and had his criminal conviction expunged.

The severity of PTSD varies, the transition risks are many, and the consequences can be harsh for a veteran who makes mistakes while trying to unlearn the instincts that kept him or her alive while serving his or her country overseas. This bill applies to first offenses only. But a second chance is all that Eric Pizer needed, and it is all that most veterans need to get hold of their lives.

I hope you will give positive consideration to this legislation, and I thank you for your attention. I will be happy to answer any questions.