

STATE SENATOR
Leah Vukmir

Assembly Committee on Criminal Justice & Public Safety

Thursday, April 20, 2017

Victim Prevention Package

Assembly Bills 88 & 89

Chairman Spiros and committee members, I would like to express my sincere gratitude for giving Representative Sanfelippo's and my bills a hearing. This legislation is part of our Victim Prevention Package that addresses the rapidly growing problem of violence in our state.

Over the past five years, national crime rates as a whole have dropped, but sadly Wisconsin's has risen. According to the Uniform Crime Report compiled by the Department of Justice from 2011 to 2015, Wisconsin saw a 72.6% increase in murder, 2% increase of sexual assaults, 13% increase in robberies, 21.5% increase in aggravated assaults, and 50% jump in motor vehicle thefts from 2013.

As a result of system failures, we are allowing violent criminals who have victimized our communities in the most egregious manner the ability to continue to do so. At what point does community safety become a priority?

AB 88 before you requires individuals that commit two serious, violent felonies to serve a minimum of five years in prison. This includes such egregious crimes as first-degree reckless homicide, kidnapping, armed robbery, and aggravated battery. Individuals who repeatedly commit such crimes that endanger the public should be held appropriately accountable.

AB 89 before you today fixes a loophole in current law and ensures that individuals on probation who have been convicted of a violent crime and possess a firearm are held to the same three-year minimum imprisonment standard to which individuals off probation are held.

Representative Sanfelippo and I have heard the countless stories of victims across the state. And it is with those people in mind that we bring these bills before you. This package of bills before you is simply the beginning of our effort to combat our rising crime issues and make law abiding residents our first priority.

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JOE SANFELIPPO

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April 20, 2017

Rep. Sanfelippo public testimony on the Victim Prevention Package

Chairman Spiros and committee members, thank you for holding a public hearing on Assembly bill 88 and 89, which are part of our victim prevent package.

The Victim Prevention Package uses our two-pronged philosophy: ensuring dangerous, violent repeat offenders are unable to continue victimizing our communities by removing them from our streets and continuing to provide evidence-based alternatives to incarceration.

Over 39% of violent criminals return to prison following their release from prior conviction, and we cannot allow repeat offenders to continue terrorizing our communities. Action must be taken, and this package of bills is a good start to addressing these serious issues plaguing both urban and rural communities across our state.

Based on current practices, it seems as though the criminal justice system has become more focused on the offenders and less focused on the victims they prey upon. To effectively deal with crime in our state, we need to find more of a balance between rehabilitating offenders and preventing victims. This package of legislation begins that conversation.

According to Milwaukee Police Department data, in 2016 there were 102 unique offenders arrested for habitual criminality, as defined in Wisconsin State Statute 939.62. From January 1st, 2007 through December 31st, 2016 these 102 offenders were arrested 945 times for a total of 2,628 crimes. The offender with the greatest number of arrests has been arrested 37 times in that ten year period.

According to the State Department of Justice, about 31% of offenders released from prison in 2011 were convicted of a new crime within 3 years of their release. The department also tells us that 35% of offenders released after 1 year or less of prison re-offend, 31.2% of offenders released after 2-3 years in prison re-offend and that 15.7% of offenders released after 5 or more years in prison re-offend. For some individuals prison time is the best deterrent to committing future crimes.

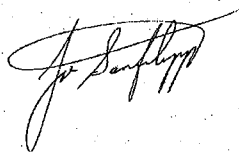
Assembly bill 88 increases the mandatory minimum sentence for felony murder or second degree intentional homicide from three years and six months to five years if the person has been previously convicted of a serious violent crime. The bill also expands the definition of serious violent crime to include more crimes for which this minimum sentence would govern. Passing this bill will help prevent innocent citizens from becoming victims of crime at the hands of violent, repeat offenders.

Currently, any felon convicted for certain violent felonies or misdemeanors found to be in possession of a firearm must serve a minimum three-year incarceration period. Assembly bill 89 corrects a technical error in state law and requires individuals still serving their sentence to serve the same three-year mandatory minimum for being in possession of a firearm as an individual who has completed their sentence.

The cost to families victimized by violent criminals is much higher than it is for taxpayers to keep our communities safe. I expect that you may here some of their stories here today.

I ask that you please support Assembly bills 88 and 89.

Thank you again for listening to my testimony on the Victim Prevention Package. I'm happy to answer any questions you may have.

A handwritten signature in black ink, appearing to read "Joe Sanfilippo". The signature is written in a cursive style with a large initial "J" and "S".



NEW BERLIN POLICE DEPARTMENT

Joseph Rieder
Chief of Police

Phone: 262.782.6640
FAX: 262.782.9033

April 17, 2017

Representative Joe Sanfelippo
Room 306 North, State Capitol
P.O. Box 8953
Madison, WI 53708

Re; Support for 2017 Assembly Bill 88

Dear Representative Sanfelippo,

I am writing to express my support for Assembly Bill 88 which increases the minimum mandatory sentencing for certain felony homicide and other violent crimes against adults and children. Increasing the mandatory minimum sentence for repeat offenders of the crimes identified in this bill from 3.5 years to 5 years sends a stronger message to the perpetrators that this behavior will not be tolerated by the law abiding and hard working people in the State of Wisconsin.

Please do not hesitate to contact me if I can be of further assistance. Thank you for your representation of the 15th Assembly District.

Sincerely,

A handwritten signature in black ink that reads "Joseph Rieder". The signature is fluid and cursive.

Joseph Rieder
Chief of Police



NEW BERLIN POLICE DEPARTMENT

Joseph Rieder
Chief of Police

Phone: 262.782.6640
FAX: 262.782.9033

April 17, 2017

Representative Joe Sanfelippo
Room 306 North, State Capitol
P.O. Box 8953
Madison, WI 53708

Re: Support for 2017 Assembly Bill 89

Dear Representative Sanfelippo,

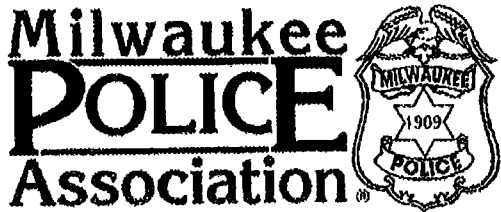
I am writing to express my support for Assembly Bill 89 which requires our courts to impose a mandatory three-year incarceration period for violent offenders who reoffend within five years of a previous conviction. Violent crime, whether it is on the rise or trending downward has the largest impact on a community's perception of its own safety. This bill will assure our communities that re-offenders of violent crimes will not be coddled by our judiciary but held accountable for their actions.

Please do not hesitate to contact me if I can be of further assistance. Thank you for your representation of the 15th Assembly District.

Sincerely,

A handwritten signature in black ink that reads "Joseph Rieder". The signature is written in a cursive style with a large initial "J" and "R".

Joseph Rieder
Chief of Police



Local #21 IUPA-AFL-CIO

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April 18, 2017

Dear Members of the Assembly Committee on Criminal Justice and Public Safety:

The Milwaukee Police Association represents over 1600 front line sworn law enforcement professionals protecting the City of Milwaukee. Daily our officers see firsthand, the crime spreading throughout Milwaukee and into the surrounding areas. Sitting back and watching this happen will not solve this problem. I commend the legislature for acting to help our citizens not become victims by introducing comprehensive legislative measures that can make a difference. Simply passing a law will not completely solve the problems, but is certainly a big part of the overall solution in making it better.

AB88 and AB89 both address the issue of allowing hardened and repeat violent offenders back into our community too soon. All too often individual judges don't fully understand the true propensity for violence that these hardened criminals have. While their intentions may be well meaning, the leniency given does not truly serve the best interests of the citizens of our community. When this happens, it becomes necessary for the legislature to implement changes to ensure that the hardworking, productive members of our community are protected.

The Milwaukee Police Association supports the passage of both AB88 and AB89 to help the hard-working members of the Milwaukee Police Department be more effective doing the dangerous and difficult job of policing in Milwaukee. We ask for your support by passing this important legislation.

Sincerely,

MILWAUKEE POLICE ASSOCIATION

Michael V Crivello
President
IUPA, Local 21, AFL-CIO

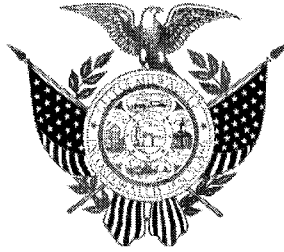
COMMITTEE ASSIGNMENTS

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ROBERT G. DONOVAN
ALDERMAN, 8TH DISTRICT

April 18, 2017

Rep. Sanfelippo
Room 306 North
State Capitol
PO Box 8953
Madison, WI 53708

Dear Members of the State Legislature,

I am writing today in support of both Assembly Bill 88 and Assembly Bill 89. I realize that mandatory minimum sentences can, under certain circumstances, be controversial, but their inclusion in both of these bills are justified and long overdue.

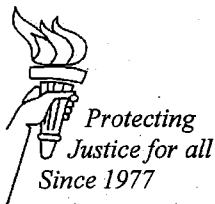
We have a right, as a society, to protect ourselves from violent criminals and especially from repeat offenders whose violent acts have proven that they pose a serious danger to our community. Many of our judges realize this and pass down appropriate sentences, but some do not, and that is why mandatory sentencing is sometimes a necessary step that legislators must take.

It is my sincere hope that these Bills move forward. In my opinion, they are in the best interest of the citizens of Milwaukee.

Cordially,

A handwritten signature in cursive script that reads 'Robert G. Donovan'.

Robert G. Donovan
Alderman, 8th District



Wisconsin State Public Defender

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Michael Tobin
Deputy State
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Assembly Committee on Criminal Justice and Public Safety
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In general, mandatory minimum sentences shift sentencing discretion from judges to prosecutors and do not achieve the anticipated results in terms of deterrent effect.

In practice, mandatory minimum sentences do not meet their anticipated goals. By removing judicial discretion from sentencing, mandatory minimum sentences preclude the courts from taking the facts of the case or the individual characteristics of the defendant into account at sentencing.

Instead of removing discretion from sentencing, mandatory minimum statutes transfer discretionary power from judges to prosecutors. In controlled substances cases, prosecutors can adjust reduce the quantity of the controlled substance charged to prevent triggering the mandatory minimum penalty. Prosecutors also have the authority to charge under statutes that will not attach a mandatory minimum penalty. Instead of reducing disparity by reducing discretion at sentencing, mandatory minimum penalty statutes transfer this disparity to the prosecutor's charging decision, which has repercussions throughout the progression of the case.

There is also a false presumption that mandatory minimum sentences provide a deterrent effect for future criminal activity. It is unlikely that, in the planning or commission of a crime, an individual is considering what impact the use of a weapon in commission of an armed robbery will have on their potential sentence. There has also been an empirical study showing that mandatory minimums result in an approximate expansion in time of 10-15% to handle a case as there are fewer plea negotiations.

For the committee's consideration, an alternative concept to mandatory minimums is use of a presumptive minimum. Basically, a presumptive minimum sets a minimum sentence length but allows judges to diverge from the minimum based on individual circumstances. Statute already makes use of this approach. As an example, please see s. 939.617 which, in sub. 2, says: "If the court finds that the best interests of the community will be served and the public will not be harmed and if the court places its reasons on the record, the court may impose a sentence that is less than the sentence required under sub. (1) or may place the person on probation..."