



PATRICK TESTIN

STATE SENATOR

DATE: April 29th, 2021

RE: **Testimony on 2021 Senate Bill 229**

TO: The Senate Judiciary and Public Safety Committee

FROM: Senator Patrick Testin

Thank you Chairman Wangaard and members of the committee for hearing my testimony in support of Senate Bill 229 (SB 229).

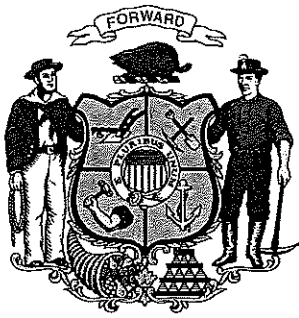
Currently, according to Wisconsin State law under chapter 301, the Wisconsin Department of Corrections is required to place certain violent offenders on permanent GPS tracking when an offender is:

- Being released from prison into supervision
- Being placed on probation for a serious child sex offense
- Being granted supervised release, or when
- Being discharged from a civil commitment under Wis. Stat. Chap. 971 or 980

However, there is a loophole violent offenders use to evade wearing a tracking device. The Wisconsin DOC's hands are legally tied and cannot enforce the oversight of dangerous offenders. Local district attorneys have declined enforcement of the GPS tracking installation specifically citing lack of statutory authority permitting violent offenders to refuse wearing the tracking device.

As of February this year, there are **15 offenders who are not on** active supervision as a result of this loophole. ***This is unacceptable*** - which is why I authored this bill to make it a Class I felony for a violent offender to knowingly refuse, resist, or obstruct the installation of a GPS tracking device. This mirrors the existing penalty of tampering with a GPS tracking device. When violent offenders are released into supervision, the DOC's EMC (Electronic Monitoring Center) has the full capacity to ensure our neighborhoods remain safe, but only if an offender properly wears the device. Without the tracking device installed, monitoring and tracking are not possible.

The DOC needs to have the ability to enforce compliance, thereby keeping violent offenders accountable and protecting our communities. With that, I am happy to answer any questions.



Wisconsin Department of Corrections

Governor Tony Evers | Secretary Kevin A. Carr

**Testimony for SB229/AB214– Penalty for refusing to wear a GPS tracking device
Senate Committee on Judiciary and Public Safety
Thursday, April 29, 2021**

Good Afternoon Chairman Wanggaard and committee members. I am Lance Wiersma, the Administrator for the Division of Community Corrections (DCC).

Thank you for the opportunity to testify in support of SB229/AB214, which closes a loophole under the Tampering with a GPS Device penalty, to also include refusing to wear, resist, or obstruct the installation of a GPS device.

Along with supervising about 63,000 people in the community, the DCC is also responsible for managing the state's Electronic Monitoring Center (EMC), which operates 24/7/365 and is located at the DOC's Central Office in Madison, WI. The EMC employs 75 staff, and part of their duties includes monitoring about 3,356 individuals who are on some type of electronic monitoring device due to their sentence or as a tool of supervision.

Global Positioning Satellite or GPS monitoring for life is mandated by law for some individuals who have been convicted of a certain sex offense. When someone is on GPS monitoring, they are required to wear a device, usually on their ankle, and this device communicates with satellites and cellular towers to actively track the device's location and provides that information to our Electronic Monitoring Center.

The Department of Corrections currently supervises just over 1,900 people on active supervision that are required to be on GPS for life. These are individuals who report to a Probation and Parole Agent on a regular basis. If the person has a violation of supervision, including curfew, location and other activities tracked by GPS, agents have the ability respond and address the behavior as needed.

There are an additional 522 people that are completely discharged from supervision but are required to be on GPS tracking for life. These are individuals that have finished their sentences and no longer report to a Probation and Parole Agent, but their locations and movements are still being relayed to the Monitoring Center by the GPS tracker.

The current statute includes language specific to "tampering" and "interfering with the signal", but does not specifically require compliance with the installation process, or hooking up a device to a person's ankle. This is the loophole and the reason we are here today. When this has happened over the last few years, the Department of Corrections has referred cases to the district attorneys when a person is required to be on GPS monitoring, but is no longer on supervision. Due to this current loophole, the DA's

have declined to charge those individuals, stating there is nothing in the law barring these individuals from refusing to wear GPS or comply with the installation process.

Because of this loophole, there are currently 15 individuals in Wisconsin who have sex offense convictions that require lifetime GPS monitoring and are refusing to comply with the installation of a GPS tracking device. These individuals are currently not being tracked or monitored despite the original intent of the law.

We project an increase in the number of individuals who will be subject to lifetime GPS requirements, and an increase in the number of individuals who will be able to avoid GPS tracking without consequence after they discharge from supervision by simply refusing to comply with the installation process. SB229/AB214 will close the loophole, encourage cooperation with the installation process and provide a consequence for those who refuse to comply.

I would like to thank Senator Testin and Representative Callahan and the other co-sponsors for taking a lead on this bill. Thank you, and I would be happy to answer any questions that you might have.