



# ANDRÉ JACQUE

STATE SENATOR • 1<sup>ST</sup> SENATE DISTRICT

Phone: (608) 266-3312

Fax: (608) 282-3541

Sen.Jacque@legis.wi.gov

State Capitol - P.O. Box 7882

Madison, WI 53707-7882

*Testimony before the Senate Committee on Judiciary and Public Safety  
Senator André Jacque  
February 8, 2022*

Chairman Wanggaard and Colleagues,

Thank you for the opportunity to testify before you in support of Senate Bill 852 and Assembly Bill 841, relating to prosecuting a violent felon for the crime of illegal possession of a firearm.

Transparency and accountability in the justice system is key. A felon's possession of a firearm is illegal in Wisconsin, with justifiably stiff penalties for violators. A FOX6 investigation, however, found that three-quarters of felons arrested for unlawful possession of a gun in Milwaukee County see no prison time as a consequence of that arrest. In addition, prosecutors never even filed charges in 37% of those cases. It took a months-long news investigation to bring this data to the public's attention. Improving transparency is critical to fostering accountability in our judicial system.

Senate Bill 852 and Assembly Bill 841 will impose accountability on prosecutors by requiring them to seek court approval before simply dismissing felon-in-possession charges for suspects with prior convictions for violent felonies or diverting the suspect to a deferred prosecution program. Under SB 852 and AB 841, a court will have to produce a written report explaining why it was appropriate to grant the prosecutor's request and how that conforms to the public interest and the legislature's goal of reducing firearm crimes.

This legislation received bi-partisan support in passing the State Assembly and is supported by the Wisconsin State Lodge of the Fraternal Order of Police and the Milwaukee Police Association.

Thank you for your consideration of Senate Bill 852 and Assembly Bill 841.



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# CHUCK WICHGERS

STATE REPRESENTATIVE • 83<sup>rd</sup> ASSEMBLY DISTRICT

## Senate Committee on Judiciary and Public Safety

February 8, 2022

Senate Bill 852/Assembly Bill 841

State Representative Chuck Wichgers, 83<sup>rd</sup> Assembly District

Chairman Wanggaard and Committee Members,

Thank you for hearing my testimony today on Senate Bill 852 and Assembly Bill 841.

On November 21, 2021, Waukesha, Wisconsin was getting ready to start the holiday season with its annual Christmas parade. The joy of season turned to terror and trauma when a repeat criminal intentionally drove his SUV into that parade killing six people and injuring over 60.

As Waukesha responded, so did the nation and the world. President Biden and Pope Francis extended condolences to those affected by the attack. The healing from this attack has only begun and making sure that something like this never happens again is part of that process.

I am introducing this legislation along with Senator Jacque to address the lax treatment of violent criminals in our laws.

As we are all well aware of by now, the perpetrator of the Waukesha massacre should never have been out of jail. He is a convicted sex offender, has jumped bail, and on July 28, 2020, the Milwaukee County District Attorney's Office charged him with two counts of second-degree recklessly endangering safety and for being a felon in possession of a firearm, according to court documents.

This bill will impose accountability on prosecutors by requiring them to seek court approval before simply dismissing felon-in-possession charges for suspects with prior convictions for violent felonies or diverting the suspect to a deferred prosecution program.

Under this proposal, a court will have to produce a written report explaining why it was appropriate to grant the prosecutor's request and how that conforms to the public interest and the legislature's goal of reducing firearm crimes.

Governor Evers even admitted the aforementioned individual should not have been out of jail. This bill is one tool that Wisconsin can put in its public safety toolbox to ensure that the tragedy in Waukesha will never be repeated in our state. I urge your support of this bill.

Thank you for your consideration of my testimony.