



March 28th, 2023

Senator Wanggaard, Chair
Senator Jacque, Vice-Chair
Members of the Senate Committee on Judiciary and Public Safety

Testimony on 2023 Senate Bill 106

Relating to: mandatory minimum sentence for felons who illegally possess a firearm and providing a penalty.

Thank you, Chairman Wanggaard, and other members of the committee for hearing this important legislation. Public safety has been on the top of everyone's minds, and the concern over crimes involving firearms is not new. Illegally possessing a firearm as a previously convicted felon is an issue that has been overlooked in our state. From 2011-2015, three out of every four felons arrested for illegal possession of a gun in Milwaukee County did not go to prison. More than half weren't even convicted. According to a study conducted with data from the California Department of Justice, it is estimated that around 100,000 convicted felons across the nation still own firearms.

Senate Bill 106 aims to address the gun violence we are facing in the state, by making sure those who illegally possess a firearm serve adequate time for their crime. Currently, a convicted felon is prohibited from owning a firearm, and any person who violates that law is guilty of a Class G felony. Those guilty of committing a Class G felony are subject to a maximum sentence of 10 years. SB 106, as amended, would change the felony classification to a Class F felony, where the maximum sentence is 12 years and six months, and set a mandatory minimum of five years for imprisonment.

In Wisconsin, we have had three cases in the last few months alone where a previously convicted felon was found guilty of illegally possessing a firearm. Two of these individuals only received two years in prison, after being found in possession of firearms after being previously convicted of felony drug charges. The last individual received six years in prison after discharging an illegal firearm in his girlfriend's home because he was attempting to get methamphetamine. According to the United States Attorney for the Western District of Wisconsin, this defendant "spent two months in jail on state charges and, after being released, immediately got more guns." This is the type of incident we are trying to prevent from happening again.

One of the goals is deterrence. If people know that there is a standard penalty for illegally possessing a firearm, they might think twice about doing so. Standardizing the length of confinement makes sentencing consistent. Convicted felons who already know it is illegal for them to own a gun will face the same repercussions. Of course, the overall goal is to have our laws properly enforced and keep our communities safe. Thank you for your time, and I will gladly take any questions.

Respectfully,

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Wisconsin State Lodge *Fraternal Order of Police*



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Wisconsin Fraternal Order of Police Testimony in Support of Senate Bill 106

Senate Committee on Judiciary and Public Safety

Thank you, Senator Wanggaard and fellow committee members for the opportunity to provide testimony in support of Senate Bill 106. My name is John Milotzky, and I am a member and Past President of Wisconsin Fraternal Order of Police Southeast Cities Lodge #11 and a member of the Wauwatosa Peace Officers' Association. The Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, with more than 364,000 members in more than 2,200 lodges. The Wisconsin State Lodge proudly represents more than 3,000 members in 27 lodges throughout the state. We are the voice off those who dedicate their lives to protecting and serving our communities. We are committed to improving the working conditions of law enforcement officers and the safety of those we serve through education, legislation, information, community involvement and employee representation.

We are seeing a crime wave across this nation, the likes we have not seen before, and we believe one of the most significant problems is the lack of accountability for those committing these crimes. When there are no consequences for breaking the law, more people will break the law and crime will continue to increase. Every day brave men and women across our state put on a badge and enforce the laws enacted by the people of Wisconsin through this legislature. The members of the Wisconsin Fraternal of Police believe that Senate Bill 106 are appropriate reactions to the crime wave we are seeing and necessary to hold offenders accountable.

According to crime data from the Federal Bureau of Investigation, Wisconsin has seen a 29% increase in violent crime, and 171% increase in homicides from 2011 to 2021. Many of these crimes are committed with firearms, and many of the offenders were prohibited from possessing a firearm due to a past felony conviction. Whenever there is a discussion about gun crimes, there is inevitably a call for MORE gun laws. Any gun law, new or existing, only affects those who follow laws in the first place. It is counterintuitive to create more gun laws, when we are not fully enforcing the laws we already have in place.

In Wisconsin, it is illegal for anyone who has been convicted of a felony to possess a firearm and a conviction is punishable by up to five years of initial confinement and five years of extended supervision. Law enforcement officers across Wisconsin will tell you that they are arresting felons in possession of firearms on a regular basis, but the consequences are often so light (if they are even prosecuted at all) that it is not an effective deterrent. Only



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if or when the offender uses the firearm in a crime, many times severely injuring someone or taking a life, do these charges get dealt with appropriately. Senate Bill 106 would impose a five-year mandatory minimum term of confinement for a felon convicted of possessing a firearm. We believe that this bill will save lives by taking these offenders off the streets before they can victimize anyone else and provide an effective deterrent for potential offenders. Until we are fully enforcing the gun laws we already have, we can't begin to have a serious conversation about reducing gun crimes in our state.

Thank you again for the opportunity to testify in support of this bill, and I am happy to answer any questions you may have.