



January 30<sup>th</sup>, 2024

Senator Wanggaard, Chair

Members of the Senate Committee on Judiciary and Public Safety

**Testimony on 2023 Senate Bill 87**

***Relating to: restitution upon conviction of vehicular homicide. (FE)***

Thank you, Chairman Wanggaard and other members of the committee, for hearing my testimony on Senate Bill 87 today. Our state has a specific culture and reputation when it comes to alcohol. According to the Wisconsin Department of Health Services, the average Wisconsin adult will have on average 2.6 drinks in one sitting. Depending on the individual, this average amount can have an impact on blood alcohol content, which can have negative effects on someone's driving abilities. 72.3 percent of Wisconsin's alcohol-impaired driving fatalities in 2019 included a driver with a BAC of 0.15% or higher. In 2022, there were 6,230 alcohol-related crashes in Wisconsin, 155 of which resulted in a death. Over the last five years, we have lost 788 Wisconsinites in drunk driving accidents. These are our neighbors, friends, and family members.

The decision to drive drunk can have life altering consequences. For some, it could mean losing your parents, like it did for Bentley Williams and his little brother. Both of their parents and older brother were killed by a drunk driver in Missouri, and ended up being raised by their grandmother, with no additional financial support. This is the family that has influenced this legislation across multiple states. These are sudden life changes that have both an emotional and financial toll on surviving family members.

Currently, when determining the amount of restitution for someone convicted of homicide by intoxicated use of a vehicle, the court considers the amount of loss sustained by the victim, the financial capabilities of the defendant, the needs of the defendant's dependents, and any other factors that could be appropriate. SB 87 ensures that if the victim of the crime had a child or children under the age of 18, or 19 if still enrolled in high school, the restitution could include the necessary and reasonable costs to take care of each child. This can include the needs and resources of the surviving parents, the standard of living the child is accustomed to, the physical and emotional needs of each child, and the reasonable child care expenses of the surviving parent.

Losing a prominent member of the family is a tragedy and an adjustment in any circumstance, but losing your parent through an unexpected accident has ripple effects that can last a lifetime. I understand that money cannot fill the void that is left behind, but through this legislation, we are hoping to potentially ease some part of the transition by making sure a family is not left without the proper resources and tools needed to continue raising a child or children. Thank you, and I will take any questions at this time.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jesse James'.

Senator Jesse James

23<sup>rd</sup> Senate District

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# JOEL KITCHENS

STATE REPRESENTATIVE • 1<sup>ST</sup> ASSEMBLY DISTRICT

## **Testimony for the Senate Committee on Judiciary and Public Safety**

### **January 30, 2024**

Thank you Chairman Wanggaard and committee members.

According to the Wisconsin Department of Transportation, there were 547 fatal drunk driving crashes in our state, killing nearly 600 people. The deaths are emotionally tragic and also can be a financial disaster for the people left behind.

Senate Bill 87 is named "Bentley's law" after a drunk driver killed the parents and brother of Bentley Williams in Missouri. After the incident, Bentley and his younger brother had no financial support. Bentley's grandmother, Cecilia Williams, who hoped to be here today, but was unable to be here due to a leg injury, approached her state representative in Missouri to introduce Bentley's Law. That bill requires the defendant to pay restitution to the victim's children.

More than 20 states across the country have introduced Bentley's Law. In the spring of 2022, Tennessee became the first state to officially enact it into law. Now Texas, Kentucky, and Maine have followed suit. The vote was unanimous in both houses of the Texas legislature. It's my hope Wisconsin will be next.

Sadly, the bill goes by different names in different states. Kentucky's version is known as "Melanie's Law." Tennessee's version is also known as "Ethan's" and "Hailey's" laws. This situation is all too common. A drunk driver kills a parent or caregiver, leaving dependents with no source of income or support.

Senate Bill 87 will assist a child who lost a parent due to the carelessness and recklessness of another individual's decision to drive while intoxicated. This proposal modifies the penalties of an individual who is convicted of vehicular homicide while being under the influence and provides minors restitution for reasonable and necessary costs of maintenance until they turn 18 or until they turn 19 if they are still enrolled in high school.

In Wisconsin, when considering a restitution order, the court looks at the amount of loss sustained by the victim. Under this bill, the court would also consider factors such as financial and resource needs, the standard of living the child is accustomed to, legal custody arrangements, child-care expenses, and the child's emotional and physical needs.

Thank you for your time. I hope you consider supporting Senate Bill 87. I am happy to answer any questions you might have.