



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

November 16, 2017

Assembly Committee on Criminal Justice and Public Safety

State Sen. Alberta Darling's and State Rep. Joe Sanfelippo's public testimony on Assembly Bill 524
Serving time for gun crimes: Appropriate sentencing for career criminals who commit gun crimes.

Thank you Chairman Spiros and members of the Assembly Committee on Criminal Justice and Public Safety for holding a public hearing on Assembly Bill 524. This bill will discourage criminals from using firearms by creating a mandatory minimum for career criminals who commit gun crimes and stricter penalties for straw purchasers and human holsters.

The City of Milwaukee is an economic and cultural hub for Wisconsin, but to remain so it needs to solve its gun crime problem. Seventy-eight people have been murdered with guns so far in 2017 (as of 10/18/17). In 2016 the city had 125 homicides involving guns.

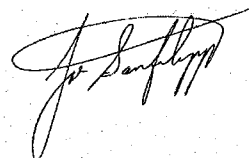
One measurement of gun crimes is the firearm recovery rate, which measures the amount of guns used in crimes recovered by the police. The Milwaukee Police Department firearm recovery rate is 246.6 per 100,000 people. In comparison, Chicago's firearm recovery rate is 185.5 per 100,000. **Milwaukee's per capita firearm recovery rate is significantly higher despite Chicago's high violent crime rates. Historically Milwaukee seizes a similar amount of firearms as New York City, despite New York having a population 15 times the size of Milwaukee.** Part of the problem in Milwaukee is that habitual criminals escalate their activity from petty crimes to gun crimes.

Habitual criminals are defined as individuals who commit three or more misdemeanors or one felony in a five year period. These criminals need to be deterred from escalating to using firearms. This bill creates a new mandatory minimum sentence for habitual criminals who escalate their criminal activity by using a firearm. Attached to this testimony are two case studies provided by the Milwaukee Police Department showing individuals who were convicted of three misdemeanors and then escalated to a more serious crimes. These case studies illustrate the need for a stronger deterrent. Further, the mandatory minimum sentence will punish criminals that commit gun crimes who previously committed felonies but pled down to misdemeanors, a common issue in Milwaukee. While a mandatory minimum alone will not solve the problem, it will give local police and prosecutors an additional tool to make sure those who commit gun crimes are brought to justice.

Wisconsin does not have clear laws that punish individuals who provide criminals with guns. A clear and strong deterrent is needed. This bill attempts to address another problem; guns falling into the hands of convicted criminals. Criminals are able to gain access to firearms through straw purchasing, when an individual legally purchases a firearm and knowingly transfers it to someone who cannot legally possess one. Another way criminals access guns is through human holsters, when someone who can legally possess a firearm carries it for someone who cannot legally possess one. This bill clarifies that straw purchasing or being a human holster is illegal and makes both crimes a class G felony. These changes will make people think twice before giving criminals a gun.

Again, thank you Chairman Spiros and committee members for scheduling a public hearing on this bipartisan bill. We encourage you to support Assembly Bill 524. We're happy to answer any questions you may have.


State Sen. Alberta Darling


State Rep. Joe Sanfelippo



Amending Wis. Stat. §941.29 Possession of a firearm

CASE STUDY 1:

Damont FIPPS, 26

- May 2009, charged & convicted with a misdemeanor for 941.23 Carrying Concealed Weapon
- June 2011, charged & convicted with a misdemeanor for 941.23 Carrying Concealed Weapon
- February 2012, charged & convicted with a misdemeanor for 941.23 Carrying Concealed Weapon

-March 2016, FIPPS charged with a misdemeanor of Carrying Concealed Weapon and disorderly conduct.

- In September 2016, FIPPS was arrested for 1st Degree Intentional Homicide, and his jury trial is scheduled for March 2017.

- FIPPS was convicted of 3 misdemeanors of Carrying Concealed Weapon between 2009 – 2012, in 2016 he is stopped with another gun, and 6 months later he is charged with 1st Degree Intentional Homicide.



Amending Wis. Stat. §941.29 Possession of a firearm

CASE STUDY 2:

QuoVuan X SOUTHWARD, 21

- June 2012, charged & convicted with a Misdemeanor for 961.41(3g)(c) Possession of Cocaine.
 - June 2014, charged & convicted with 3 Misdemeanors for 946.14(1) Resisting or Obstruction an Officer, 346.04(2t) Resisting/Fail to Stop/fleeing, 947.01(1) Disorderly Conduct
 - November 2014, charged & convicted with 3 Misdemeanors for 940.19 (1) Batter, 940,44(1) Intimidate Victim/Dissuade Reporting, and 947.01(1) Disorderly Conduct
- October 2015, SOUTHWARD was charged with 2 counts of a no contact order, 2 counts of battery and 1st Degree RES. SOUTHWARD was convicted and sentenced to 13 years in Wisconsin State Prison.

-SOUTHWARD was convicted of multiple misdemeanors between 2012-2014. Approximately a year after his last conviction he is in possession of a firearm in a stolen vehicle.



Department of Administration
Intergovernmental Relations Division

Tom Barrett
Mayor

Sharon Robinson
Director of Administration

La Keisha W. Butler
Director of Intergovernmental Relations

City of Milwaukee Testimony on AB 524, Relating to: furnishing, purchasing, or possessing a firearm for a person who is prohibited from possessing a firearm, mandatory minimum sentences for individuals who commit certain firearm violations, and providing criminal penalties.

Assembly Committee on Criminal Justice and Public Safety

November 16, 2017

I am Captain David Salazar, Commanding Officer of the Milwaukee Police Department's Intelligence Fusion Center. Thank you to the Committee for the opportunity to testify today. We are here to provide information that we hope will be helpful to the cosponsors and committee members in debating this legislation. This legislation will provide critical tools to ensure that Wisconsin's laws effectively address the reality of the safety challenges we face.

The City of Milwaukee is experiencing serious violent crime challenges. Violent crime has increased 3% from 2016. Also this year, 83% of the homicides in the City of Milwaukee have been firearm-related. The Milwaukee Police Department recovers guns at a significantly higher rate than far-larger cities. In 2016, MPD recovered 2,420 guns, a rate of 407 per 100,000 people. That is compared to cities like Chicago, which recovered guns at a rate of 247 per 100,000 people. In addition, arrests in 2016 for carrying a concealed weapon and for felon in possession of a firearm were the highest they have been in ten years.

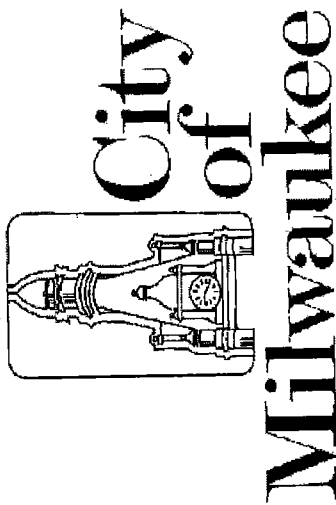
A particular challenge is when guns fall into the hands of prohibited possessors through an individual who obtained the weapons through legal means, known as straw purchasing. The City of Milwaukee strongly supports the criminalization of straw purchasing. Making straw purchasing a Class G Felony would provide a crucial tool for law enforcement and prosecutors to stem the tide of firearm-related violence. I have included photographic evidence of a straw purchase in action from February 2016. The gun shown in the picture was recovered four days later after being used in a crime to which the defendant pled guilty. This incident and others like it demonstrate the clear need for stricter penalties against straw purchasing in the hopes of preventing violence from illegally-transferred weapons obtained through legal means.

The City also supports creating a Class G felony for cases of individuals serving as "human holsters," individuals who furnish or physically possess a firearm for a prohibited possessor. I'd like to share an example of a human holster incident that shows the deep interconnectivity of these ties and the investigative challenges they subsequently present for our officers. In September 2014, officers stopped

a vehicle with occupants matching the description from a subject with a gun complaint. The driver, a felon and therefore a prohibited possessor, was seen discarding an object in the direction of a passenger who was paralyzed in a 2013 shooting incident. Recovered on the passenger were two firearms, one of which was purchased by the passenger and which he successfully petitioned to have returned to him. In February 2017, an officer stopped a vehicle suspected of mobile drug dealing which contained the brother of the paralyzed passenger from the September 2014 incident. One of the weapons recovered was the gun that the brother of the drug dealing suspect petitioned to have back after the 2014 incident. One month later, the mobile drug dealing suspect, the brother of the original petitioner of the weapon, was arrested for and charged with 1st Degree Reckless Homicide for a separate incident. It is important to note all all three individuals were part of criminal gang activity, showing the complex web of criminality involving firearms and violent activity. A jury trial for the homicide charge is scheduled for January 2018.

I share these examples to illustrate the need to take concrete action to address this ongoing challenge that not only threatens City of Milwaukee residents, but residents of the larger region, the State, and tourists contributing to our local and statewide economy. In addition to leveraging existing resources, we need legislative action to update our state statutes governing firearms to better address this ongoing obstacle to safer neighborhoods, not only in Milwaukee but throughout the State of Wisconsin. As part of this legislation, the City of Milwaukee supports amending section 941.29 of the Wisconsin Statutes: Possession of a Firearm to criminalize the dangerous and pervasive activities of straw purchasing and acting as a human holster.

The City of Milwaukee supports addressing straw purchasing and human holsters through this legislation. We believe efforts to do so will make our city and state safer. Thank you for your time. I would be pleased to answer any questions you may have.



Tom Barrett
Mayor

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Director of Administration

La Keisha W. Butler
Director of Intergovernmental Relations

Department of Administration
Intergovernmental Relations Division

City of Milwaukee Testimony on AB 524
Assembly Committee on Criminal Justice and Public Safety
November 16, 2017



Straw purchasing incident

Samantha Muns on behalf of Brandon Hinton at Gander Mountain.
The firearm was purchased on 2/16/2016 and was recovered on 2/21/2016. Muns pled guilty.



To: Members, Assembly Committee on Criminal Justice and Public Safety
From: Badger State Sheriffs' Association (BSSA)
Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA)
Date: November 16, 2017
RE: Statement in Support of Assembly Bill 524, relating to firearm purchases

Good morning, I am Sheriff Terry Dryden of Washburn County, speaking today on behalf of Badger State Sheriffs' Association and Wisconsin Sheriffs and Deputy Sheriffs Association. I am here today in support of Assembly Bill 524, which will limit criminals' access to firearms and make it easier for law enforcement to hold violent criminals accountable.

Badger State Sheriffs' Association (BSSA) is a statewide organization representing all of Wisconsin's 72 Sheriffs and Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA) is a statewide organization representing over 1,000 members, including Sheriffs, Deputies, and jail officers. BSSA and WS&DSA have a joint legislative committee and work closely on public safety issues of concern to our members.

This legislation will help sheriffs and other law enforcement officers keep our communities safe by deterring people from providing criminals with guns. Making straw purchasing and the practice of "human holsters" felonies will limit ways for guns to get into the hands of the wrong people. Furthermore, the mandatory minimum sentence for individuals with firearm convictions who have previously committed crimes will prevent criminals from escalating their criminal activity using firearms and will help keep these dangerous people off the streets.

Overall, this legislation will enhance public safety by limiting illegal access to firearms.

Thank you for the opportunity to submit these comments.



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DATE: November 16, 2017
TO: Chairman Spiros and Members of the Assembly Committee on Criminal Justice & Public Safety
FROM: Katie Sanders, Executive Director, Safe & Sound
RE: Support of Assembly Bill 524/Senate Bill 408

Dear Chairman Spiros and Members of the Assembly Committee on Criminal Justice & Public Safety,

Thank you for the opportunity to provide written testimony on Senate Bill 408. Safe & Sound is a nonprofit organization that engages residents and youth to improve public safety in Milwaukee neighborhoods. Geographically aligned with Milwaukee Police districts, Safe & Sound serves five of the seven police districts, with focused efforts in ten of Milwaukee's most disadvantaged neighborhoods, where violence is most concentrated.

The neighborhoods and residents we serve are disproportionately affected by gun violence. Contrary to the negative image in which Milwaukee is typically portrayed, the vast majority of residents and youth in Milwaukee neighborhoods simply want what each of you wants: a safe community in which to raise our children and grandchildren. Yet, a small group of actors continue to perpetrate violence, particularly with the use of guns, to destabilize and traumatize the community.

This year, 83% of homicides in the City of Milwaukee have been firearm-related. Many of those homicides were perpetrated by convicted criminals who cannot legally possess a gun. The guns they use, however, are often purchased legally through this practice of straw purchasing.

This bill will help keep guns out of the hands of criminals, and will provide law enforcement with a tool to reduce gun violence. Straw purchases and "human holsters" are significant problems in Milwaukee, and this legislation will help address them.

Violence is a very complex issue. Providing tools to law enforcement can help, but law enforcement is not capable of addressing violence alone. At Safe & Sound, we believe that law enforcement, residents, youth and community resources are interdependent and must work together to build safe neighborhoods. Our model is evaluated and effective, and we cannot overstate the importance of residents and community members participating, and LEADING crime reduction efforts, rather than a simple reliance on law enforcement alone.

Knowing that straw purchasers and "human holsters" can also be victims of human trafficking and young people used as pawns by criminals, we encourage an education campaign to promote awareness of the law and the dangers of straw purchasing. We also caution against including mandatory minimums in this bill. The use of mandatory minimums has historically contributed to trauma and destabilization of families and neighborhoods, and the effects of incarceration are visible in the communities we serve.

I thank you for the opportunity to submit this written testimony in support of providing this important tool to law enforcement in the efforts to stem gun violence. I welcome you to visit Milwaukee and take a tour of some of the neighborhoods Safe & Sound serves, and meet some of the wonderful residents and youth this bill can protect from gun violence.

Sincerely,

Katie Sanders, Executive Director