

**SENATE HEARING SLIP**

(Please Print Plainly)

SB 440  
9

DATE: 3/5/02

BILL NO. SB 440

OR

SUBJECT

Jason Westphal

(NAME)

P.O. Box 7158

(Street Address or Route Number)

Madison 53707

(City and Zip Code)

The Criminal Law

(Representing) Section of ->

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: March 5, 2002

BILL NO. SB 440

OR

SUBJECT

Cyrus Belavozzi

(NAME)

1400 N. 6th Street

(Street Address or Route Number)

Milwaukee, WI 53212

(City and Zip Code)

Task Force on Family Violence of Milwaukee

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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P.O. Box 7882  
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**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 3/5/02

BILL NO. SB 440

OR

SUBJECT

Amy Krymkowski

(NAME)

111 N. Broadway

(Street Address or Route Number)

Milwaukee 53202

(City and Zip Code)

The Milwaukee Women's Ctr

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 3-5-02

BILL NO. 440

OR

SUBJECT Stalking

(NAME) Mary Riecke Puce

(Street Address or Route Number) MADISON

(City and Zip Code) 53711

(Representing) \_\_\_\_\_

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: March 5, 2002

BILL NO. AB440

OR

SUBJECT \_\_\_\_\_

(NAME) Lisa Macaulay

(Street Address or Route Number) 600 Williamson St. N-2

(City and Zip Code) Madison WI 53703

(Representing) Mrs. Carlson Against Sexual Assault

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 3/5/02

BILL NO. 440

OR

SUBJECT \_\_\_\_\_

(NAME) Kathy Heringlake Bern

(Street Address or Route Number) Sen. Burke

(City and Zip Code) \_\_\_\_\_

(Representing) \_\_\_\_\_

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 3/5/02

BILL NO. SB 440

OR  
SUBJECT RE

REP. STEVE WICKERT  
(NAME)

(Street Address or Route Number)

(City and Zip Code)

57TH ASSEMBLY DISTRICT  
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 3/5/02

BILL NO. SB 440

OR  
SUBJECT \_\_\_\_\_

Pat Segar  
(NAME)

(Street Address or Route Number)

(City and Zip Code)

WI Coalition Against Domestic Violence  
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 3/5/02

BILL NO. SB 440

OR  
SUBJECT \_\_\_\_\_

JAMIE JOHNSON  
(NAME)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

**Senate Committee on Judiciary, Consumer Affairs and Campaign  
Finance Reform**

**Request for Paper Ballot Executive Action on 2001 Senate Bill 440**

The Senate Committee on Judiciary, Consumer Affairs and Campaign Finance Reform was unable to hold a formal Executive Session on Senate Bill 440 as planned. We would like to conduct a paper ballot on the bill. **Please return your ballot to Sen. George's office (Room 118 South) by 5:00 PM Friday, March 8, 2002.**

**Passage of Senate Bill 440:**

\_\_\_\_\_ Moved (Optional -- Please check if you wish to Move  
Passage of the Bill)

\_\_\_\_\_ Seconded (Optional -- Please check if you wish to Second  
Passage of the Bill)

Aye (In Favor of Passage of the Bill)

\_\_\_\_\_ No (Oppose Passage of the Bill )

Signed: \_\_\_\_\_

*Scott Fitzgerald*

Friday, March 8, 2002

Please return to Sen. George's Office by 5:00 PM Friday, March 8, 2002.

Senate Committee on Judiciary, Consumer Affairs and Campaign  
Finance Reform  
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**Passage of Senate Bill 440:**

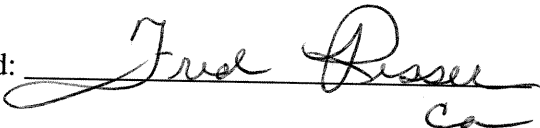
\_\_\_\_\_ Moved (Optional -- Please check if you wish to Move Passage of the Bill)

\_\_\_\_\_ Seconded (Optional -- Please check if you wish to Second Passage of the Bill)

\_\_\_\_\_ ✓ **Aye** (In Favor of Passage of the Bill)

\_\_\_\_\_ **No** (Oppose Passage of the Bill )

Signed:

  
*Fred Russer*  
*ca*

Friday, March 8, 2002

Please return to Sen. George's Office by 5:00 PM Friday, March 8, 2002.

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**Passage of Senate Bill 440:**

  X   Moved (Optional -- Please check if you wish to Move  
Passage of the Bill)

  X   Seconded (Optional -- Please check if you wish to Second  
Passage of the Bill)

  X   Aye (In Favor of Passage of the Bill)

       No (Oppose Passage of the Bill )

Signed:

*Joanne Neelsman*  
By PR - via phone

Friday, March 8, 2002

Please return to Sen. George's Office by 5:00 PM Friday, March 8, 2002.

**Senate Committee on Judiciary, Consumer Affairs and Campaign  
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**Passage of Senate Bill 440:**

\_\_\_\_\_ Moved (Optional -- Please check if you wish to Move  
Passage of the Bill)

\_\_\_\_\_ Seconded (Optional -- Please check if you wish to Second  
Passage of the Bill)

\_\_\_\_\_  Aye (In Favor of Passage of the Bill)

\_\_\_\_\_  No (Oppose Passage of the Bill )

Signed: \_\_\_\_\_

*Robert W. Welch*

Friday, March 8, 2002

Please return to Sen. George's Office by 5:00 PM Friday, March 8, 2002.



## **WISCONSIN COALITION AGAINST SEXUAL ASSAULT**

600 Williamson Street, Ste. N-2

Madison, WI 53703

608-257-1516

Senator George and Members of the Senate Judiciary, Consumer Affairs, and Campaign Finance Reform. I thank you for the opportunity to speak to you today in favor of Senate Bill 440, which would make some very important changes to Wisconsin's stalking statutes.

My name is Lisa Macaulay and I am the Policy Specialist for the Wisconsin Coalition Against Sexual Assault (WCASA). We represent over 200 individual, affiliate and sexual assault provider members through Wisconsin. Our mission is to support these members as we work toward our common goal of ending sexual violence in Wisconsin.

Stalking is a very real problem for at least 1.4 million Americans. The news only spotlights celebrity cases, but they are in no way the only ones effected by stalking. The majority of stalking victims are ordinary people: you, me, co-workers, and family members. Wisconsin's anti-stalking statute has limited definitions of what behaviors constitute stalking. Those definitions exclude mail, phoning, sending of objects and some times cyber stalking.



In a recent survey of stalking victims, over 77% reported that they received constant phone calls from their stalker. Currently, this weapon is not considered part of the stalkers arsenal. SB440 will address this loophole by including it in its definition of course of conduct. Whether the stalker's victim answers the telephone or not, the intrusion and invasion has been successful. Victims are forced to constantly screen their calls out of fear of who will be on the other end. The constant ringing or continual calling can have a serious effect on the health of the stalking victim. The victim feels as if they are under constant attack. I have spoken with counselors working with young women who have been sexually assaulted and their attacker is in prison. Yet, they are still able to terrorize their victim through the use of the telephone, by calling repeatedly. Even with the addition of caller ID, put in at the victim's expense, the message is sent.

This brings up another change this legislation addresses, intent. SB 440 changes current language to address the stalker's intent. The threat of violence is usually inferred. We need to recognize that a threat of violence doesn't necessarily require words. Having a bouquet of dead roses delivered to you, receiving a picture with your image crossed out or coming home to find a dead animal on your doorstep all convey the intended sentiment.

The threat of violence is not just implied. In fact, over 10% of stalking victims in a study done by the National Center for Victims of Crime said that their stalker forced or attempted sexual contact.

Strengthening the penalties is needed to show that Wisconsin takes this crime seriously. Currently, current law classifies a "basic offense of stalking" as a Class A misdemeanor. This does not give victims the impression that our legal system takes stalking seriously. With the support of those in the legal system, this legislation re-classifies a "basic offense of stalking" as a Class E felony. We need to give stalking victims protection under the law.

Stalking is not just a lovelorn guy who can't take no for an answer. Stalking is a very serious and dangerous crime. Wisconsin needs to protect her citizens from those individuals who terrorize their victims every day, no matter where they are.

Please support Senate Bill 440. Once again, thank you for the opportunity to speak to you on this legislation. I will be happy to answer any questions you may have.

Jenny Fiss  
Education Resources Coordinator  
Former Advocate & Crisis Line Counselor  
Testimony: Advocate Confidentiality

Safety. An elusive thing. Something that may be hard to put into words exactly, but something you miss desperately when it's gone. How can we help those who have had this sense of well being and protection violently stolen from them? For a survivor of sexual assault, this can be a long and difficult process. It begins with those on the "frontline" – the people who first offer services to a survivor.

An advocate's job is multifaceted and requires an individual to be fully present for another who is experiencing pain and trauma. An advocate not only provides emotional support, but facilitates a survivor's interaction with the other important systems who also respond during a crisis, such as medical professionals and law enforcement.

All have vital roles to play in the recovery and healing of survivors. These systems work when the priority of all who encounter the survivor is to assist in the recovery of her/his sense of safety. When the survivor is given control over who knows her/his story and how much, some faith in the goodness of humanity is restored. If the opposite happens, the survivor is often victimized a second time – re-traumatized by the very people sworn to empower, protect, and heal.

Medical professionals and law enforcement by the definition of their roles must place certain conditions on the maintenance of confidentiality. It is vital, therefore, that there be a resource available to the survivor that does not bear these same restrictions. That role belongs to the advocate.

Back when I worked as an advocate, I remember waiting with a survivor "Kathy" for the nurse to come back with the rape kit to start the exam. Kathy appeared agitated, tearful, and jumpy. It was difficult for her to remain still. As I explained the nature of the exam, what she might expect from the police who were waiting outside the door, and the options she had; her hands and feet stilled, she made more eye contact, and her breathing slowed. She stopped shaking. She shared with me some of the horror she had experienced that night and her fears concerning the future repercussions of that violence.

At the end of the night as we walked towards the cab that was to take her home, she gave me a hug and said, "Thank you for being with me tonight. I needed someone who was there just for me. Someone I could trust. I felt so alone. Thanks for being in my corner."

As an advocate, I could not imagine having to tell Kathy that what she shared with me may be used in court. An advocate's job is the SURVIVOR. To be effective and present for a survivor, I have to be able to listen without judgement and without worrying about which parts of a survivor's story may jeopardize my ability to maintain confidentiality. For Kathy, this would have destroyed any hope of building trust and the opportunity of expressing her true feelings of anguish.

As a result of this, Kathy would also be much less likely to follow-up with the rape crisis center for future assistance/counseling if necessary. Hence, her risk of further isolation would increase. There must be a safety net for survivors. This does not impede the important contributions of medical professionals and law enforcement. In fact, it actually facilitates their work. According to Kathy, both the rape exam and police interview went more smoothly because she felt that "someone was in her corner."

Safety. You can help survivors restore their sense of safety and in so doing their faith in humanity. Please allow advocates to do their jobs. By maintaining confidentiality, advocates create a safe space for survivors. It is in this safe space that survivors are empowered to make decisions and move forward.

**Testimony of  
State Representative Steve Wieckert  
Regarding the  
Stalking Law Modification Bill  
SB440, Before the Senate Committee on Judiciary,  
Consumer Affairs, and Campaign Finance Reform  
March 5, 2002**

Chairman George and Members of the Committee,

Thank you for the opportunity to testify on behalf on this bill. Thanks also to Sen. Burke for his work in bringing this legislation forward.

The problem of stalking is one that is undeniable. Unfortunately, because of the fear that stalking creates, it often goes unreported. A study by the National Institute of Justice, part of the U.S. Department of Justice, is quite telling.

It is estimated that eight percent of women and two percent of men have been stalked at some point in their life. It is crime that is focused primary on young adults – 52 percent of stalking victims are between the ages of 18 and 29. The fact that the stalker generally knows the perpetrator only compounds the problem. Nearly three in four women stalked is acquainted with her stalker – a person who may know not only where she lives, but where she works, what establishments she frequents, and the names and whereabouts of her family members. The fear that this causes can be emotionally crippling. In fact, three in ten women and one in five men who are stalked seek counseling to help them cope with their trauma.

The bill that I've authored with Sen. Burke will help to address some of the problems that are associated with stalking. Most importantly, it alters the penalty structure for stalking, finally treating this problem with the seriousness it deserves. It also makes numerous changes that clarify exactly what constitutes a pattern of stalking. This will make it easier for law enforcement to apprehend potential stalkers, and will make it easier for our district attorneys to charge them with the appropriate offense.

Stalking is a serious problem. It should not be compounded by legal ambiguity that makes stalking difficult to prosecute and that discourages law enforcement for pursuing those who would perpetrate crimes of fear. This bill, in conjunction with the restraining order bill I've also worked on with Sen. Burke, will go far in helping to make our homes, our streets, and our neighborhoods safer for everyone.

I would be happy to answer any questions that you might have at this time.

My name is Deborah Kremer. I use to live 4 buildings away from from the Police Dept. when I was victimized Oct.25th,1999 by Kenneth Culver. A repeat offender 46 times of voyeurism.

I returned home alone from my 2nd shift job around 10:45/11:PM. When I got inside my lower apt. I turned on my bedroom light and TV. I got totally undressed and drew myself a bath. Afterwards I returned to my room, took off my towel and applied body lotion to myself taking my time massaging into my achy calves as I watched TV.

I was confident of being in total privacy even though my bedroom window faced a very busy street. I had 3 layers of coverings over it. There was frosted contact paper upon the window itself with mini blinds tightly closed overtop and curtains drawn shut over the blinds.

Moments later I could see bright flashing police lights coming through my window treatments. I didn't think anything of it as it was a common occurrence for speeders to be pulled over in front of my house.

However I did become curious when I heard voices outside my bedroom window. I put on my sweats and went outside to see what happening. I talked to 1 of the 3 Officers only to learn that I had just fallen victim to a window peeper.

I asked Officer Eric Stenson if I could take a look at him. Officer Stenson honored my request and shined his flashlight upon his face as he sat handcuffed in the back of the Police car.

Officer Stenson came inside to take a statement from me, while the other two Officers Kurt Schoeni & Brent Buehler took Kenneth Culver to jail.

After giving my statement to Officer Stenson he began telling the repetitious history of Kenneth Culvers insidious predatorial behaviors. He was very apologetic to me to have let this man carry out and gratify his sexual perversion to the point of ejaculation of seminal fluids below my bedroom window. Officer Stenson had been on this case for as many as 7 years trying to gather as much evidence as possible to get a conviction of this repeat offender as he gets more bold towards his victims.

Since this incident I have relocated and bought myself a Rottweiler along with other added security throughout my home indoors and out. I am keenly aware of my surroundings and I can never be too safe as I take precautions with every coming & going.

I truly believe I was raped of my privacy. As Kenneth Culver stood predator outside my window leering into my comfort zone. I can't help but think he was there before. since he observed me through frosted contact paper that had curled up from the very bottom of my window sill. It was the size of sliver, no bigger than a toothpick. Only an obsessed & deviant individual would try so hard and be so bold to prey upon their victim as he could be readily seen by passers by on a busy street.

A few nights ago I let my Rottweiler outside chained to a cable just outside my door. He noticed immediately someone in my backyard. I stood by him and seen a black silhouette of a man standing beyond the motion light. He silently stood in his footsteps for a moment then called to his little dog, Mia come here. then the dog barked and they left the yard.

Once again I was reminded of Kenneth Culver. And I began second guessing myself. Despite the probable innocence it could've been??? Was it a ploy to excuse the intent of another window peeper??? Just when I think I can rest assure, I can only be sure not to let my guard down. I've gotten pretty good at convincing others I can tough it out, but sometimes I have a hard time convincing myself.

But, the one thing I am certain of is that we truly need a law against "voyeurism!" In my line of work, I have learned much about Sexually Violent Predators and their thought process. Nearly all of them will tell you they are innocent of any wrong doing. They try to minimize the seriousness of their crimes, and fail to see a pattern in the repetition of their crimes.

If you would'nt mind bearing with me a little longer I'd like to make reference to a couple of quotes. And one would be from State Of The Union Bush Proposal as I quote President Bush reflecting on September 11th.

He said quote: Terrorists of another kind. Terror of our physical and well being. We not only become a hostage of crime, but of our own mind. A growing danger, we can't stop short or our sense of security is lost.

Today's crime reflects Voyeurism. And Webster quotes it to be a person who obtains sexual gratification by looking at sexual objects or acts, especially secretly. Also included: A person who derives exaggerated or unseemly enjoyment from being an observer.

Anyone having fallen victim to Voyeurism has its side effects like any other injustice. It's a violation of privacy and the security of our well being in every way imaginable. It becomes a challenge to trust your self judgement as well as all others.

I hope you will vote a law against it because Voyeurism is no doubt in my mind, an escalation factor to becoming a sexually violent predator in the making.

And finally last but not least I would like to thank Officers Brent Buehler and Kurt Schoeni and especially Eric Stenson for his 7 years of diligence and earnest efforts of compiling evidence to result in the conviction of Kenneth Culver. I know you're here with me in spirit and support, as is my father and Detective Cheryl Johnson and Deputy Chief John Manyon.

I can't express enough how much I appreciate all your support. I'm forever grateful. God Bless everyone that has been a victim of this crime or any other injustice.

Sincerely yours  
Deborah Lynn Kremer