

**Committee Name:**  
**Senate Committee –**  
**Judiciary, Corrections and Privacy**  
**(SC–JCP)**

**Appointments**

03hr\_SC–JCP\_Appt\_pt00

**Committee Hearings**

03hr\_SC–JCP\_CH\_pt00

**Committee Reports**

03hr\_SC–JCP\_CR\_pt00

**Clearinghouse Rules**

03hr\_SC–JCP\_CRule\_03–

**Executive Sessions**

03hr\_SC–JCP\_ES\_pt00

# Hearing Records

## 03hr\_ab0346

03hr\_sb0000

**Misc.**

03hr\_SC–JCP\_Misc\_pt00

**Record of Committee Proceedings**

03hr\_SC–JCP\_RCP\_pt00

**Vote Record**  
**Committee on Judiciary, Corrections and Privacy**

Date: 1-23-04

Moved by: Stepp

Seconded by: Fitz

AB 346

SB \_\_\_\_\_

Clearinghouse Rule \_\_\_\_\_

AJR \_\_\_\_\_

SJR \_\_\_\_\_

Appointment \_\_\_\_\_

AR \_\_\_\_\_

SR \_\_\_\_\_

Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_

A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:

- Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrency

Committee Member

Roll

Senator David Zien, Chair

Aye

No

Absent

Not Voting

Senator Scott Fitzgerald

Senator Cathy Stepp

Senator Tim Carpenter

Senator G. Spencer Coggs

Totals:

5

0

\_\_\_\_\_

\_\_\_\_\_

Motion Carried

Motion Failed



**CAROL OWENS**

WISCONSIN STATE REPRESENTATIVE

Chair: Family Law Committee

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January 23, 2004

## Testimony on AB 346 before the Senate Committee on Judiciary, Corrections and Privacy

Chairman Zien, Members of the Committee, thank you for the opportunity to offer testimony on behalf of Representative Carol Owens. Representative Owens offers her sincere regrets for not being able to attend today's hearing in person.

The victim of a crime, committed by a minor is no less harmed than a victim of an adult criminal, yet in many cases that victim has little hope of restitution and justice. It is not that the courts have failed the victims. In fact, the court system has done exactly what it is meant to do, to determine guilt and provide a remedy. The problem is that in cases where the criminal is a minor, the courts are constrained in their efforts to enforce that remedy.

The dilemma of the courts and of the victims is easily explained. Current law allows victims to seek restitution by garnishing the wages of offenders. Criminals whose "household incomes" are below the poverty line, however, are exempt from garnishment. That may make sense, but what makes no sense, whatsoever, is that minors currently qualify for that exemption, without any account being taken for the financial situation of their parents.

Under the flawed current law, a minor whose parents pull in a \$100,000 per year, or even a million for that matter, is still considered to have a "household income" below the poverty line. It sounds ridiculous to say, but that's the fact of the current definition of "household income" and that is the problem that this bill will correct.

AB 346 adds to the definition of "household income" for a debtor who is a minor, the disposable earnings of the debtor's parents, with whom they reside. It does NOT seek in any way, to garnish the income of the parents.

This bill is about criminals taking financial responsibility for their own actions, not about punishing the criminals' parents.

Many minors hold part time jobs after school or on weekends and as we all know, much of their earnings are disposable. AB 346 gives a hammer to victims and law enforcement so they may finally collect what is owed from those earnings. The victim would no longer be forced to watch the criminal spend extra cash from a part time job on clothes and cars, helpless to collect restitution and the criminal would be forced to fess up to his debt.

It is bad enough that in cases involving minors, the criminal is aloud to slip through the system without paying for their crimes. It is far worse that the victim is denied closure to their ordeal and that the justice system is in essence saying that the crime committed by a juvenile is less significant then a crime committed by an adult.

Please help common sense prevail by eliminating a faulty loophole in state law. Thank you once again for your attention and consideration.

Eric Bott on behalf of Carol Owens  
State Representative  
53<sup>rd</sup> Assembly District