

👉 **09hr_ab0351_AC-CJ_pt01**



Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Criminal Justice
(AC-CJ)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Present: (10) Representatives Turner, Kessler, Staskunas,
Hraychuck, Soletski, Pasch, Kleefisch, Friske,
Kramer, Brooks.

Absent: (1) Representative Ripp.

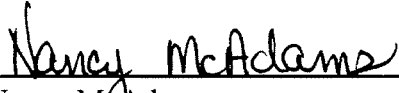
Moved by Representative Staskunas, seconded by Representative
Hraychuck that **Assembly Bill 351** be recommended for passage.

Ayes: (10) Representatives Turner, Kessler, Staskunas,
Hraychuck, Soletski, Pasch, Kleefisch,
Friske, Kramer, Brooks.

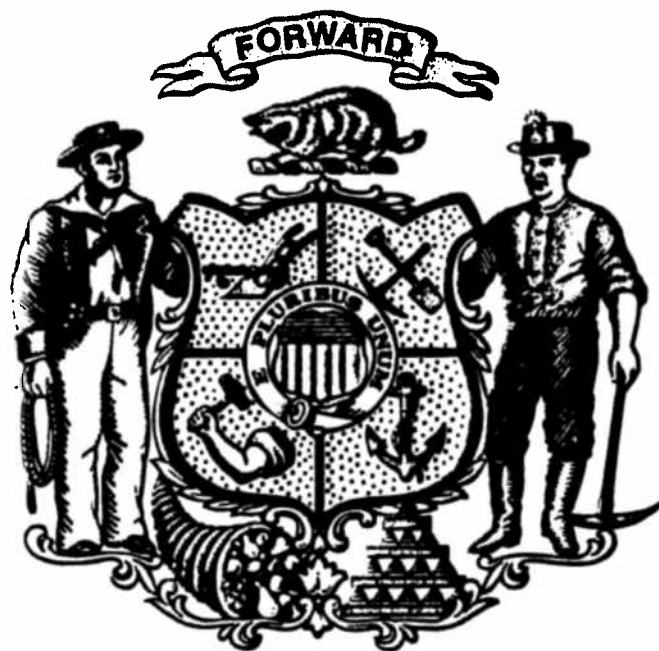
Noes: (0) None.

Absent: (1) Representative Ripp.

PASSAGE RECOMMENDED, Ayes 10, Noes 0



Nancy McAdams
Committee Clerk



Vote Record Committee on Criminal Justice

Date: 10-1-09

Moved by: Rep. Staskunas Seconded by: Rep. Hraychuck

AB 351 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

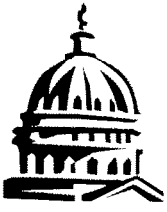
A/S Amdt _____
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Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrency

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Robert Turner, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frederick Kessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Anthony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Ann Hraychuck	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative James Soletski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sandy Pasch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joel Kleefisch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Donald Friske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Bill Kramer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Edward Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Keith Ripp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Totals:	<u>10</u>	<u>0</u>	_____	<u>1</u>

Motion Carried Motion Failed





BRETT DAVIS

WISCONSIN STATE REPRESENTATIVE

AUG 14 2009

80TH ASSEMBLY DISTRICT

August 14, 2009

Representative Robert Turner
Room 223 North
State Capitol
Madison, WI 53703

Dear Representative Turner:

I am writing to respectfully request a Public Hearing for Assembly Bill 351, which has been referred to the Assembly Committee on Criminal Justice.

This legislation is truly non-partisan and fixes a legitimate "loophole" in state statute. The bill addresses a problem with the hit-and-run statute, which was brought to my attention by a constituent. My constituents lost their mother due to a drunk driver crashing a car into her bedroom. The drunk driver then fled the scene. The charge of hit-and-run was dropped due to the fact the accident did not happen on the roadway. The bill would simply change the language of state statute to read that hit-and-run applies when a vehicle immediately leaves the roadway and then returns.

I drafted the legislation last session as well, but we simply got started too late. The bill passed the State Assembly last session unanimously, but time ran out before the Senate could take action.

I am hopeful that this bill will be able to make it through the process this time. I appreciate you considering giving AB 351 a Public Hearing.

Please call me on my cell phone with any questions at 608-345-8576.

Sincerely,

Brett Davis
State Representative
80th District



To: Bob
From: Nancy
Date: August 24, 2009
Re: Hearing on Rep. Davis' bill

Luke from Rep. Davis' office called on behalf of his boss to thank you for scheduling his hit and run bill, AB 351. He is most appreciative.



McAdams, Nancy

From: Rep. Turner
Sent: Tuesday, September 01, 2009 11:51 AM
To: *Legislative All Assembly; *Legislative All Senate; Alice O'Connor; Dyke, Don; Inabnet, Kay; Pete Christianson; Rinehart, Mark W - DOJ; Schmidt, Melissa; Tonnon Byers, Anne; Vesperat, Jeryn; Wheeler Report
Cc: Bacher, Luke
Subject: Fiscal Estimates to AB 351, 9/3/09 Criminal Justice Hearing
Attachments: 09-1603feDAorg.pdf; 09-1603feDOJorg.pdf

Dear Committee Members:



09-1603feDAorg.pdf 09-1603feDOJorg.pdf
f (41 KB) df (37 KB)

FYI, I've attached the Fiscal Estimates for AB 351, which has a public hearing Thursday morning.

State Rep. Robert Turner
223 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661



McAdams, Nancy

From: Bacher, Luke
Sent: Wednesday, September 02, 2009 10:27 AM
To: George, Lorna; McAdams, Nancy
Subject: One last AB 351 FE

Attachments: 09-1603feDOTorg.pdf

This is from the DOT, and it just arrived.

Should be no big deal as the fiscal is "none."

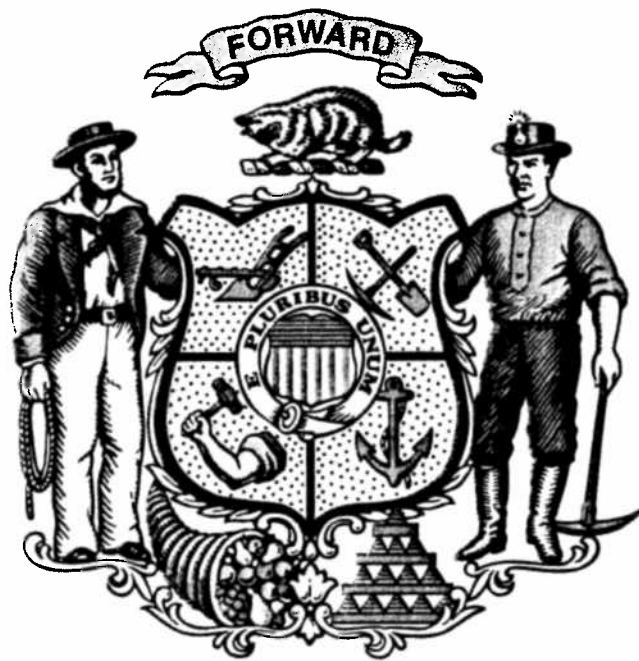
Thanks,

Luke



09-1603feDOTorg.
pdf (38 KB)

Luke Bacher
Research Assistant
State Representative Brett Davis
Phone: (608)-266-1192
Toll Free: 888-534-0080
Fax: 608-282-3680
luke.bacher@legis.wi.gov
<http://www.brettdavis.us>





BRETT H. DAVIS

WISCONSIN STATE REPRESENTATIVE

SEP 04 2009

80TH ASSEMBLY DISTRICT

Date: September 4, 2009
From: Representative Brett Davis
To: Members of the Assembly Criminal Justice Committee
Subject: Additional Information from AB 351 Public Hearing

Dear Criminal Justice Committee Members:

I wanted to follow-up with all of you regarding a question raised regarding AB 351 at the Public Hearing yesterday.

I've attached below the crimes that the Defendant, Dawn Dartez, was charged with, along with the final conviction.

Hit and Run was thrown out originally, but the Court of Appeals did overturn that decision. The Court of Appeals opinion held that because defendant's loss of control of her vehicle occurred on a highway, even though the resulting collision occurred off the highway, she was "involved in an accident" "upon a highway" within the meaning of Wis. Stat. Section 346.67(1) (Duty upon striking person or attended or occupied vehicle), and 346.02(1), and therefore the trial court erred by dismissing the charge.

AB 351 would codify the above Court of Appeals opinion.

If you have any further questions, please contact me at 266-1192.

Charge(s)

Count No.	Statute	Description	Severity	Disposition
1	940.09(1)(a)	Homicide by Intoxicated Use of Vehicle	Felony D	Dismissed on Prosecutor's Motion
2	346.67(1)	Hit and Run-Involve Death	Felony D	Charge Dismissed but Read In
3	940.10(1)	Homicide by Negligent Operation/Vehicle	Felony G	Dismissed on Prosecutor's Motion
4	346.63(1)(a)	Operating While under Influence (1st)	Forf. U	Dismissed on Prosecutor's Motion
5	940.09(1)(b)	Homicide by Use of Vehicle with PAC	Felony D	Guilty Due to No Contest Plea
6	346.63(1)(b)	Operating with PAC .10 or More (1st)	Forf. U	Dismissed on Prosecutor's Motion

The defendant Dawn R Dartez was found guilty of the following charge in this case. One or more other charges were dismissed.

- Dawn R Dartez was found guilty of Homicide by Use of Vehicle with PAC, a class D felony, Wisconsin Statutes 940.09(1)(b).

Post Office Box 8952 • Madison, WI 53708-8952

(608) 266-1192 • Toll-Free: (888) 534-0080 • Fax: (608) 282-3680 • Rep.Davis@legis.state.wi.us

80th Assembly District: 1420 Ravenoaks Trail, Oregon, Wisconsin 53575 • Phone: 608-835-0939



McAdams, Nancy

From: McAdams, Nancy
Sent: Tuesday, September 15, 2009 3:33 PM
To: Rep.Davis
Cc: Bacher, Luke
Subject: AB 351

Dear Rep. Davis:

Representative Turner asked that I contact you about AB 351. Specifically, he would like to schedule it for executive action on October 1, 2009. But he would like your assurances that you have a bipartisan majority of votes for passage. Could you please get back to me on this? Thank you.

Sincerely,

Nancy McAdams
Committee Clerk, Assembly Criminal Justice Committee
Office of State Rep. Robert Turner
223 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661



McAdams, Nancy

From: Bacher, Luke
Sent: Wednesday, September 16, 2009 5:18 PM
To: McAdams, Nancy
Subject: RE: AB 351

Nancy -

I haven't heard back from everyone yet (I was hoping since everyone is here today), but if Rep. Turner is a yes vote, then we will have 6 votes. I have only heard back from 5 Reps, and I have not heard any concerns, and have not heard any No votes.

-Luke

Luke Bacher
Research Assistant
State Representative Brett Davis
Phone: (608)-266-1192
Toll Free: 888-534-0080
Fax: 608-282-3680
luke.bacher@legis.wi.gov
<http://www.brettdavis.us>

From: McAdams, Nancy
Sent: Wednesday, September 16, 2009 2:06 PM
To: Bacher, Luke
Subject: RE: AB 351

Thanks Luke. I hope to get the executive session notice out by late today or early tomorrow morning.

Sincerely,

Nancy McAdams
Office of State Rep. Robert Turner
223 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661

From: Bacher, Luke
Sent: Wednesday, September 16, 2009 1:54 PM
To: McAdams, Nancy
Subject: RE: AB 351

Thank you, Nancy.

I haven't heard any concerns so far, but will double check on votes and try to get you confirmation that we have the votes ASAP.

-Luke

Luke Bacher
Research Assistant
State Representative Brett Davis

Phone: (608)-266-1192
Toll Free: 888-534-0080
Fax: 608-282-3680
luke.bacher@legis.wi.gov
<http://www.brettdavis.us>

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Cc: Bacher, Luke
Subject: AB 351

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Nancy McAdams
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