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TO: Members of the Senate Committee on Judiciary and Public Safety
FROM: Rep. André Jacque
DATE: March 14, 2018
RE: Senate Bill 868

Members of the Senate Judiciary and Public Safety Committee,

Thank you for the opportunity to testify in support of Senate Bill 868. I am very pleased to bring forward this common sense legislation with Sen. Wanggaard to address one of the more interesting and inequitable situations in Wisconsin criminal law brought to our attention by prosecutors. Under current law, a person entering into any building or dwelling or certain other places with the intent to steal is guilty of a Class F felony, while entering those same locations with the intent to cause bodily harm is generally only chargeable as a misdemeanor. In other words, it is a felony to attempt to steal tools from someone's garage but only a misdemeanor to come in to their house or apartment to try to beat them up. This has particular application to domestic abuse and gang-related violence. For reference, the Brown County District Attorney estimated that his office is limited to charging a lesser penalty for attempted batterers under this scenario approximately 5 to 10 times every year.

SB 868 raises the penalty for entering with intent to commit battery to also be a Class F Felony, so that we will not be valuing property over people. I am pleased to note that the Wisconsin Chiefs of Police Association supports this legislation, which passed the Assembly Criminal Justice Committee with solid bi-partisan support and the full Assembly on a voice vote. Thank you for your consideration.