

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 2/22/00

BILL NO. AB 174

OR

SUBJECT \_\_\_\_\_

Rep. Tim Kreuzer  
(NAME)

3505-14th Place  
(Street Address or Route Number)

Kenosha WI 53144  
(City and Zip Code)

643rd St  
(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:

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: 2-22-00

BILL NO. AB 174

OR

SUBJECT \_\_\_\_\_

Senator Bob Wirth  
(NAME)

210-South  
(Street Address or Route Number)

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

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

Speaking in Favor:  of Rep. Kreuzer

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: 2-22-00

BILL NO. AB 174

OR

SUBJECT \_\_\_\_\_

Patrick Carby  
(NAME)

7606 City Hall  
(Street Address or Route Number)

Milwaukee 53202  
(City and Zip Code)

City of Milwaukee  
(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:

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: 02/22/00

BILL NO. AB 174

OR

SUBJECT \_\_\_\_\_

STEVEN C. WERNER  
(NAME)

340 Corvair Dr  
(Street Address or Route Number)

Madison, W.I.  
(City and Zip Code)

W.I. Prof Police Assoc.  
(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:

Please return this slip to a messenger **PROMPTLY.**

Senate Sergeant-At-Arms  
Room 109-LL One East Main  
P.O.Box 7882  
Madison, WI 53707-7882

# Vote Record

## Senate - Committee on Judiciary and Consumer Affairs

Date: 3/27/2000  
 Moved by: George      Seconded by: Huelsman

AB: 174      SB: \_\_\_\_\_  
 AJR: \_\_\_\_\_      SJR: \_\_\_\_\_  
 AR: \_\_\_\_\_      SR: \_\_\_\_\_

Clearinghouse Rule: \_\_\_\_\_  
 Appointment: \_\_\_\_\_  
 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
  - Introduction
  - Adoption
  - Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Gary George, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Fred Risser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alice Clausing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gary Drzewiecki	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried

Motion Failed

# Vote Record

## Senate - Committee on Judiciary and Consumer Affairs

Date: 3/27/2000

Moved by: George

Seconded by: Huelsman

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

AB: 174 SB: \_\_\_\_\_

Appointment: \_\_\_\_\_

AJR: \_\_\_\_\_ SJR: \_\_\_\_\_

Other: \_\_\_\_\_

AR: \_\_\_\_\_ SR: \_\_\_\_\_

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
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence *as amended*
- Nonconcurrency
- Confirmation

### Committee Member

Sen. Gary George, Chair

Sen. Fred Risser

Sen. Alice Clausing

Sen. Joanne Huelsman

Sen. Gary Drzewiecki

Aye                      No                      Absent                      Not Voting

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 5                      0                      \_\_\_\_\_                      \_\_\_\_\_

Motion Carried

Motion Failed

**WISCONSIN ASSEMBLY ROLL CALL  
1999-2000 SESSION  
SPEAKER JENSEN**

**AB 174  
BY KREUSER  
EXCEPTION FOR PEACE OFFICERS TO CERTAIN FIREARMS  
PASSAGE**

AYES - 93 NAYS - 3 NOT VOTING - 3 PAIRED - 0

A N NV NAME	A N NV NAME	A N NV NAME
A AINSWORTH (R)	X KAUFERT (R)	A REYNOLDS (D)
A ALBERS (R)	A KEDZIE (R)	A RHOADES (R)
A BALOW (D)	A KELSO (R)	A RICHARDS (D)
A BERCEAU (D)	A KESTELL (R)	A RILEY (D)
A BLACK (D)	A KLUSMAN (R)	A RYBA (D)
A BOCK (D)	A KREIBICH (R)	A SCHNEIDER (D)
A BOYLE (D)	A KREUSER (D)	A SCHOOFF (D)
A BRANDEMUEHL (R)	A KRUG (D)	A SERATTI (R)
A CARPENTER (D)	A KRUSICK (D)	A SHERMAN (D)
X COGGS (D)	A LA FAVE (D)	A SINICKI (D)
A COLON (D)	A LADWIG (R)	A SKINDRUD (R)
A CULLEN (D)	A LASEE (R)	A SPILLNER (R)
A DUFF (R)	A LASSA (D)	A STASKUNAS (D)
A FOTI (R)	A LEHMAN, J. (D)	A STEINBRINK (D)
A FREESE (R)	A LEHMAN, M. (R)	A STONE (R)
A GARD (R)	A LEIBHAM (R)	A SUDER (R)
N GOETSCH (R)	A MEYER (D)	A SYKORA (R)
A GRONEMUS (D)	A MEYERHOFER (D)	A TOWNSEND (R)
A GROTHMAN (R)	N MILLER (D)	N TRAVIS (D)
A GUNDERSON (R)	A MONTGOMERY (R)	A TURNER (D)
A GUNDRUM (R)	A MORRIS-TATUM (D)	A UNDERHEIM (R)
A HAHN (R)	A MUSSER (R)	A URBAN (R)
A HANDRICK (R)	A NASS (R)	A VRAKAS (R)
A HASENOHRL (D)	A OLSEN (R)	A WALKER (R)
A HEBL (D)	A OTT (R)	A WARD (R)
A HOVEN (R)	A OWENS (R)	A WASSERMAN (D)
A HUBER (D)	A PETROWSKI (R)	A WAUKAU (D)
A HUBLER (D)	A PETTIS (R)	A WIECKERT (R)
A HUEBSCH (R)	A PLALE (D)	A WILLIAMS (D)
A HUNDERTMARK (R)	A PLOUFF (D)	A WOOD (D)
A HUTCHISON (R)	A POCAN (D)	A YOUNG (D)
X JESKEWITZ (R)	A PORTER (R)	A ZIEGELBAUER (D)
A JOHNSRUD (R)	A POWERS (R)	A SPEAKER (R)

IN CHAIR: FREESE

NO VACANT DISTRICTS



Police Department  
February 21, 2000

Arthur L. Jones  
Chief of Police

Senator Gary R. George  
Chair, Judiciary & Consumer Affairs Cmte.  
State Capitol, Room 118 South  
Box 7882  
Madison, WI 53707-7882

RE: SUPPORT FOR ASSEMBLY AMENDMENT 1 TO AB-174 CONCERNING  
PEACE OFFICER FIREARMS

Dear Senator George:

Please be advised that I am in basic agreement with the intent of AB-174 since the presence of armed, off-duty officers has often proved to be of great value in protecting the public and thwarting dangerous criminals.

However, I can find no justification for permitting an off-duty peace officer to fire a weapon across a highway contrary to Wis. Stat. 167.31 (2)(d) unless acting in the line of duty in his/her official capacity. Therefore, I support Assembly Amendment 1 to AB-174 clarifying that exemptions for peace officers carrying and/or firing weapons require that the officers are acting within the scope of their official law enforcement duties.

I recommend the passage of AB-174 as amended by Assembly Amendment 1. Should you require any further information concerning my position on this matter, please feel free to contact Commander Dean Collins of my staff at 414-935-7203.

Sincerely,

ARTHUR L. JONES  
CHIEF OF POLICE

ROGER J. REINKE  
ASSISTANT CHIEF OF POLICE

February 15, 2000

Senate Committee  
Judiciary & Consumer Affairs

Dear Senators,

I wish to thank you for having a public hearing on Assembly Bill 174. I regret I can not make it in person. I am writing in support of AB 174.

My name is James Huff I'm a 27-yr. veteran of the Kenosha Police Department. About 18 Months ago, our training Captain came out with a memo stating Off Duty Police officers can not carry a weapon off duty in a vehicle, boat, train, etc. He quoted a DNR State Statue. Needless to say this brought about some interesting conversations around our Department.

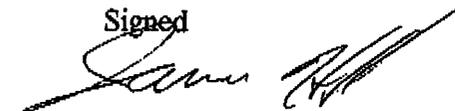
I for one never heard of this DNR State Statue. This brought about numerous questions with-in our department. When we are traveling to and from work in our personal vehicles are we in violation of this State Statue? Even though I am wearing my Police uniform and issued weapon. Our current administration feels that we are police officers 24hrs a day and may carry a weapon and transport it in a vehicle under that premise. This could change with a different Administration. We as Police Officers are required to act by State Statue when a felony is committed in our presence. I can't speak for other officers but the only time I carry a gun off duty is when I'm out with my family. During my 27 years on the streets of Kenosha, I've made a few enemies. And I want the ability to protect my family from these criminals.

Our department also addresses the carrying of a weapon and the consumption of alcohol. Our Policy and Procedures prohibit it. And I would be subject to disciplinary action if I violate that Policy.

I hope that AB174 clears up what appears to be an oversight in the DNR Statue.

Thank you for your time regarding this matter.

Signed



James Huff  
Kenosha Police Department  
Unit #357



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

JUN 16 1999

JUN 16 1999

JAMES E. DOYLE  
ATTORNEY GENERAL

Burnetta L. Bridge  
Deputy Attorney General

114 East, State Capitol  
P.O. Box 7857  
Madison, WI 53707-7857

June 15, 1999

The Honorable Robert Wirch  
State Senator  
310 South Fairchild Street  
Madison, Wisconsin 53703

Dear Senator Wirch:

Thank you for your letter requesting an opinion on whether the statutory exemption for peace officers relating to the carrying of firearms in motor vehicles applies when those officers are off duty. Your letter enclosed a letter from one of your constituents, John W. Morrissey, a member of the Kenosha Professional Police Association. Officer Morrissey's letter raises this issue.

My response to your letter cannot be a formal opinion, since, as you know, I can only give formal opinions to the Governor, the Legislature, state officers and agencies, and, in some circumstances, county corporation counsel and district attorneys. However, I can provide you with guidance.

The law in question is Wis. Stat. § 167.31 which, in pertinent part, prohibits persons from placing, possessing or transporting a firearm in a vehicle, motorboat or aircraft unless the firearm is unloaded and encased. Specifically, your question deals with the exception to this general prohibition set forth in subsection (4)(a)1., which reads as follows:

(4) EXCEPTIONS. (a) Subsections (2) and (3) do not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within 50 feet of the center of a roadway:

1. A peace officer, as defined under s. 939.22(22).

By its terms, the exception is limited to peace officers who are acting "in the line of duty." The term "line of duty" can, in some contexts, have a meaning less restrictive than "on duty." For example, Webster's New Collegiate Dictionary defines the term as follows: "All that is authorized, required, or normally associated with some field of responsibility." Presumably, application of this definition to the above exemption could reasonably be interpreted to permit peace officers to carry loaded firearms in their motor vehicles while off duty if authorized by departmental policy or if departmental policy provides an expansive "line of duty" responsibility

for the peace officer. For example, there are departments in the state, which by rule or policy provide that officers are always subject to duty and have responsibility for taking police action in any matter which may come to their attention. A court reviewing Wis. Stat. § 167.31(4)(a)1. could reasonably find that an off duty peace officer subject to such a policy would be acting in the line of duty under this provision.

On the other hand, a department by rule or policy may provide that an officer while off duty, is not acting in the line of duty. The Kenosha Police Department in its proposed policy revision attached to your opinion request advanced this approach. An off duty peace officer from such a department may not be entitled to the exemption contained in Wis. Stat. § 167.31(4)(a)1., unless the officer establishes independently that he/she was acting in the line of duty.

However, § 167.31(4)(a)1. may be subject to a more restrictive interpretation if other penal statutes are read in conjunction with it. The term "in the line of duty" has been used in framing an exemption for peace officers regarding the prohibition on possession of a firearm by those who are the subject of certain injunctions. Wisconsin Stat. § 941.29 entitled "Possession of a firearm" prohibits possession of a firearm by numerous classes of people, such as those convicted of a felony, adjudicated delinquent for a felony act, found not guilty of a felony by reason of mental disease or defect or enjoined from possession of a firearm under certain injunctions. The latter prohibition contains an exemption if "[t]he person is a peace officer and the person possesses a firearm while in the line of duty or, if required to do so as a condition of employment, while off duty." Wis. Stat. § 941.29(10)(a) (Emphasis supplied). The emphasized language throws into question the meaning of "line of duty" and may restrict its applicability to off duty peace officers. One could argue that the Legislature added the emphasized language because it did not intend the term "line of duty," in and of itself, to include "off duty" activity.

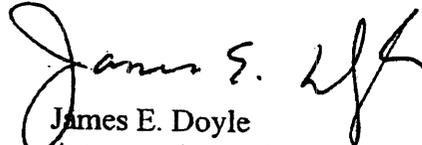
Despite this ambiguity, I believe that a court reviewing a criminal case brought against an off duty peace officer for a violation of § 167.31(2) or (3) could reasonably interpret the "line of duty" exemption to have a meaning less restrictive than "off duty" where there is a departmental rule or policy authorizing the possession of the firearm or containing an expansive definition of the peace officer's responsibilities while off duty. This is based upon the commonly accepted definition of "line of duty" and the requirement that penal statutes be strictly construed against criminal liability.

This issue has important implications for peace officers and their agencies. Given the existing ambiguity, it would be appropriate for the Legislature to clarify the exemption contained in § 167.31(4)(a)1 as it relates to off duty peace officers. Should the Legislature believe that off

The Honorable Robert Wirch  
Page 3

duty peace officers should be exempted from certain firearm prohibitions, whether or not they are in the "line of the duty," the exemptions could be clarified by referring to peace officers and deleting the "line of duty" requirement.

Sincerely,

  
James E. Doyle  
Attorney General

JED:SET:jjn



**Testimony before the Senate Committee on Judiciary and Consumer Affairs**  
**by**  
**Senator Robert Wirch**  
**Assembly Bill 174**  
**February 22, 2000**

Thank you Senator George, and members of the Committee for allowing us the opportunity to have our concerns heard at this public hearing.

As you heard from Representative Kreuser, AB 174 seeks to address a problem in the law that says a police officer can be arrested if they are carrying an uncased firearm in a motor vehicle while off duty. Off duty officers are allowed to carry a concealed weapon, but if they are in a motor vehicle, their service weapon must be unloaded and cased in the trunk of their car. This hinders their ability to protect the public and themselves.

While off duty, officers can face serious situations, such as confrontations by gang members seeking retribution, or dozens of other examples where an officer is witness to a crime. Currently, off duty officers are expected to respond if they see a felony being committed. It is inconsistent that we do not also allow that officer to carry an uncased firearm when in their vehicle. Under current law, if that officer needs a weapon, he or she must first open their trunk, get out the gun, load it, holster it, and only then would they be compliant under current law. These discrepancies do not afford that officer adequate protection in what can be very dangerous situations.

For these reasons, I would ask that the committee favorably consider Assembly  
Bill 174.

## **Letter of support for the right of Law Enforcement Officers to carry concealed weapons in a motor vehicle off duty.**

Honorable Senators,

The most important and basic function of government is to provide for the protection and safety of the people. Any other function including regulating hunting is of far less importance when compared to protecting human life.

I am a 13 year veteran of the Kenosha Police Department, a range instructor, tactical team member and rifle team member. As a range instructor I conduct quarterly weapon qualifications and training for the 3rd and 4th shifts. I have total trust and confidence in the men and women who I instruct and work with. As police officers we are continually training and 8 hours every day we are entrusted to carry a loaded weapon on our belts. It is disappointing that after we complete our tour of duty and head home to our families that Wisconsin Statute revokes that trust, ignores our training and puts the officers, their families and the public at risk by disarming them amidst armed criminals.

Like most officers, when I am not working I try to avoid involvement in any police matters, but it is not always possible. Sometimes as a police officer the safety of the community is put at great risk and heading for the nearest pay phone is not an option. While on the way to work in my civilian car several years ago a drunk driver swerved up over a curb, across a median and continued down a city street swerving all over the road. Fortunately I was in uniform and armed. I caught up to the vehicle managed to get the drivers attention at a stop sign and ordered him out of his car. Eventually, despite his high level of intoxication the driver (under probation and parole supervision) realized I was not on duty. Despite being in full uniform the suspect initiated a physical altercation. Fortunately I was able to handcuff the physically larger suspect after a struggle. Had I not been armed - I would not have made the stop. I would have drove into work and notified dispatch. Although we will never know what would have transpired had I not made this stop, it is very possible that a life was saved. When police officers step forward while off duty to protect the public it seems insane that some DNR officer could now potentially arrest the law enforcement officer for carrying a weapon in a vehicle.

In an attempt to keep this letter as brief as possible I will list additional reasons;

1. Officers are threatened and sometimes targeted - I have been threatened in the past and currently a Kenosha Police Officer received threats from a gang who confirmed they know where the officer resides. I think this officer should be able to carry a firearm when he is in his vehicle. The life of this officer and his family far exceeds hunting regulations.

2. The "Cop on the block?" program supplies affordable housing to police officers who purchase a home in a troubled neighborhood. It doesn't take long for the bad guys to find out a Police Officer resides there. It defeats the purpose of the program if the officer is disarmed and unable to react to problems while driving through his own neighborhood. A Kenosha Police Officer who participated in this program received verbal threats from criminals he had previously arrested and they found out where he resided. On one occasion subjects attempted to enter his home while the officer was present.

3. The law is outdated, not enforced and ignored.

I know that as political leaders you have to make many difficult decisions - I bet your glad this is not one of them. This is a common sense "no-brainer". Thanks in advance, keep up the good work.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack A. Decker". The signature is fluid and cursive, with the first name "Jack" being the most prominent.

Vice President Jack A. Decker  
Kenosha Professional Police Association

# State of Wisconsin



**GARY R. GEORGE**  
SENATOR

TO: Members, Senate Committee on Judiciary and Consumer Affairs

FROM: Dan Rossmiller, Clerk  
Senate Committee on Judiciary and Consumer Affairs

RE: Background Materials for Today's Hearing and Executive Session

DATE: March 27, 2000

Attached please find copies of the Statement of Economic Interest for two appointees to the Public Defender Board: Roberta A. Harris of Madison and James T. Rogers of Merrill. Both are appointees nominated by the State Bar of Wisconsin.

Attached also please find a copy of LRB s0490/1, a substitute amendment to AB 174, which we would like the committee to take up in executive session. This amendment would allow peace officers to carry firearms in their cars on the way to and from work. Currently, these firearms may be transported by peace officers going to and from work but must be unloaded and encased and must be carried in the trunk of the car.

---

Judiciary Committee Hearing/Exec. Session -- March 27, 2000

Recommendations:

- ✓ 1. Take Executive Action on AB 497, AB 174 before the hearing starts so I can begin the paperwork. (These two bills are going to be amended so they need to go back to the Assembly.)
- ✓ 2. Hold public hearing on SB 491 (police technology) next.
- ✓ 3. Take Executive Action on SB 491 so I can begin the paper work.
- ✓ 4. Hold the hearing on the appointments (It is my understanding that only Roberta Harris will be able to appear today)
- ✓ 5. Hold the hearing on the bills.

✓ All the other bills not listed in #1 and #2 do not need to be rushed. They are not going to be amended so they can go on Wednesday's calendar.

✓ \*\*\*Pat Essie has asked that we not take Executive Action on AB 185.

\*\*\*The Municipal Judges Association opposes AB 846 but will not be able send anyone to testify.

## February 22, 2000 Judiciary Committee Hearing

### Special Testimony Requests

#### Elected Officials

- Sen. Baumgart and his DA (Robert Wells/Sheboygan Co.) want to testify first about his bill SB 213.
- Rep. Ladwig wants to testify next about her bill AB 72.
- Rep. Goetsch wants to testify next about his bills AB 562 and AB 84.

#### Others

- Sen. Clausen's office contacted us to let us know that Johnnie Smith from the DEA will be testifying on AB 318. He has some time constraints and has to leave by 10:00 am. They wanted to know if you could make arrangements so that he can get his testimony in before he has to leave?

#### Bills On the Hearing Agenda

Here is the order of bills, the likely witnesses and a brief comment about amendments I know of :

#### AB 614 (Your bill on piracy and bootlegging of recorded material)

Don Valdez V.P. Anti-piracy Legislation RIAA will probably testify with a multimedia show-and-tell presentation.

I am not aware of any amendments although Sen. Risser is apparently concerned about how the new penalties under the bill will mesh with Truth-In-Sentencing given the fact that we haven't adopted the code reclassification yet.

#### SB 395 (The DHFS bill on sexually violent persons commitment rules)

Dr. Thomalla (PhD.) is likely to testify for DHFS. I don't know whether Sec. Leean will testify or not. I don't know

There is a substitute amendment (LRB s0315/1) that has been prepared to reflect the agreement between the DHFS and the DOJ. It is ready to be introduced.

#### AB 174 (Rep. Kreuser's bill to allow of-duty peace officers to carry concealed weapons)

Rep. Kreuser will testify. He may have a local law enforcement official testify on behalf of his drug or gang task force folks.

I am not aware of any amendments.

**AB 562** (Rep. Goetsch's committee bill to establish a Southeast Wisconsin crime abatement task force)

Rep. Goetsch will testify. (See note above)

There are two amendments.

- 1) Reps. Riley and Krug asked us to add the City of Milwaukee Chief of Police as a member of the Task Force. The first amendment (LRB 1379/1) does this.
- 2) The State Bar Criminal Law Section asked us to add to the task force a member of the State Bar of Wisconsin's Criminal Law Section who lives in the affected area, as well as a member of a local bar association for every county enumerated as part of the task force in the bill (i.e., Milwaukee, Kenosha, Racine, Rock and Waukesha). This second amendment has been requested but has not yet been received at the time of this writing.

**SB 533** (The Leg. Council bill on Restorative Justice and faith-based approaches to crime reduction.)

I would expect there will be testimony from several sources. The Interfaith Conference has, for example, expressed support for the restorative justice provisions.

I am not aware of any proposed amendments.

**SB 214** (Sen Burke's bill re: When a victim must be given notice of the right to make a statement at sentencing.)

Jon Reddin, Deputy DA for Milwaukee County and Mike Nieskes, Deputy DA for Racine County will be testifying on SB 214.

I am not aware of any proposed amendments.

**AB 318** (Sen. Clausing's bill on Methamphetamine penalties.)

Johnnie Smith from the DEA will be testifying on AB 318. I am not sure whether DOJ will have anybody testify or not. I expect Sen. Clausing may testify.

I am not aware of any proposed amendments.

**AB 391** (Garnishment technical correction)

Rep. Gunderson's staffer will probably testify.

I am not aware of any proposed amendments.

**SB 213** (Sen. Baumgart's bill on inducing or causing self-mutilation by a child.)

Sen. Baumgart and his DA (Robert Wells/Sheboygan Co.) will testify. (See note above)

I am not aware of any proposed amendments.

**AB 72** (Rep. Ladwig's bill on disclosure of juvenile records by a juvenile or municipal court).

Rep. Ladwig will testify. (See note above.)

The State Bar Children and the Law Section recommends an amendment to Sect. 5 of the bill to specify that a GAL and the attorney of record can view the juvenile's record in cases where a juvenile or municipal court asks another juvenile or municipal court for records for purposes of any other proceeding.

**AB 84** (Rep. Goetsch's bill on factors to be considered when sentencing a person convicted of committing a crime.)

Rep. Goetsch will testify. (See note above.)

In response to a request from the Judicial Conference an amendment has been drafted to delete the material in Assembly Substitute Amendment 1 to AB 84 at page 2, line 14. This would delete the factor "(j) The length of pretrial detention of the person, if applicable." I don't know whether this is advisable or not. I always assumed that judges considered time served when sentencing.

### **Bills From Previous Hearings On Which We Can Take Executive Action**

**AB 45** (Rep. Kelso's bill to create a Dangerous Weapons in Schools Hotline)

In response to a request from the Atty. Gen./Department of Justice we have drafted an amendment (LRB a1436/1) that basically adds threats to harm persons or damage school property to the list of items that may be reported. Rep. Kelso is o.k. with the bill with the change and so is DOJ.

**AB 111** (Rep. Suder's bill on Embezzlement from Vulnerable (elderly) Adults)

In response to a request from the Elder Advocate in the Department of Justice we have drafted a substitute amendment (LRB s0307/1) that expands the bill to cover all financial crimes (e.g., attempted theft, theft, misappropriation of personal identifying information or documents, forgery, fraudulent writings, fraudulent destruction of certain writings.) against all elderly people regardless of capacity, place of residence or

participation in programs. It also makes the definition of "vulnerable adult" identical to the definition of that term used elsewhere in the statutes (e.g., Chapters 55, 813 and 940) and includes all Powers of Attorney, whether durable or non-durable.

Rep. Suder the author of the bill doesn't object to the substance of the substitute amendment but argues that adopting the amendment will kill the bill procedurally. He thinks the bill won't be able to go through both houses before the end of March.

**SB 106** (Sen. Wirch's CASA bill)

Sen. Wirch's office has worked with Legal Aid of Milwaukee to craft a compromise that everybody seems to be happy with. A substitute amendment (LRB s270/3) reflects the compromise.)

**SB 110** (Sen. Moen's bill on Prisoner's Throwing Bodily Substances)

There are two simple amendments.

The first one (LRB a1180/1) is at the request of the State Hygiene Lab and expands the list of bodily substances covered by the bill.

The second one (LRB a1298/1) reduces the maximum penalty under the bill from 5 years to 2 years, consecutive to the current sentence.

**SB 284** (Your court reporter's bill)

No amendments as far as I know. We had voted on this at the last exec. session but haven't yet reported the bill out of committee.

In deference to you as chair, Sen. Huelsman will let the bill come out of committee and maybe try to amend it on the floor.

I hope this is helpful.

### Assembly Bill 45

Relating to: a hotline in the department of justice for the reporting of information regarding dangerous weapons in public schools.

By Representatives Kelso, Colon, Gunderson, Hahn, Hutchison, Jensen, Kedzie, Lassa, F. Lasee, Ladwig, M. Lehman, Musser, Owens, Ryba, Seratti, Spillner, Sinicki, Suder, Sykora, Urban, Vrakas, Powers and Huebsch; cosponsored by Senators Darling, Risser and Roessler.

*Risser?*

**Agreed Upon Amendment Pending: At the request of DOJ an amendment (LRBa1436/1) was prepared to expand the scope of things reportable through this hotline to include threats to damage school premises or harm persons on school grounds. Rep. Kelso, the author of the bill has signed off on the amendment.**

### Assembly Bill 111

Relating to: committing theft against certain persons and providing a penalty.

By Representatives Suder, Albers, Ainsworth, Freese, Handrick, Hoven, Huebsch, Kelso, Ladwig, F. Lasee, Montgomery, Musser, Nass, Olsen, Plale, Powers, Turner and Vrakas; cosponsored by Senators Darling, Fitzgerald, Lazich, Roessler, Welch and Zien.

**Substitute Amendment Pending: At the request of DOJ and its Elder Law Advocate a substitute amendment (LRBs0307/1) was prepared to broaden the bill to address all forms of financial crimes against the elderly. The substitute amendment:**

1. Covers all financial crimes (e.g., attempted theft, theft, misappropriation of personal identifying information or documents, forgery, fraudulent writings, fraudulent destruction of certain writings.)
2. Protects all elderly people, regardless of capacity, place of residence or participation in programs.
3. Makes definition of "vulnerable adult" identical to the definition of that term used elsewhere in the statutes (e.g., Chapters 55, 813 and 940).
4. Includes all Powers of Attorney, whether durable or non-durable.

*?*  
*Darling*  
*will*

**Rep. Suder, the author of the bill, expresses no objection to the substance of the changes.**

### Assembly Bill 318

Relating to: the controlled substance methamphetamine and providing penalties.

By Representatives Kreibich, Rhoades, Brandemuehl, Urban, Suder, Klusman, Freese, Ladwig, Ainsworth, Nass, Musser, Seratti, M. Lehman, Stone, Albers, Pettis, Gunderson, Kelso, Skindrud, Kedzie, Olsen, Huebsch, Petrowski, Gronemus, Vrakas, Kestell, Montgomery and Ward; cosponsored by Senators Clausung, Moen, Zien, Panzer, Roessler, Darling, Huelsman, Schultz, Rude and Farrow.

*no problems*

**No Amendments Pending.**

**Assembly Bill 391**

Relating to: disposable earning exempt from garnishment.

*no problems*

By Representatives Gunderson, Musser, Townsend, Turner, Sykora, Hahn, Petrowski, Hundertmark, Spillner, Gronemus, Kelso, Albers and Powers; cosponsored by Senator Darling.

**No Amendments Pending.**

**Assembly Bill 533**

Relating to: authorizing the appointment of assistant district attorneys to provide restorative justice services; authorizing counties and the department of corrections to contract with religious organizations for the provision of services relating to delinquency and crime prevention and the rehabilitation of offenders; inmate rehabilitation; creating the office of government-sectarian facilitation; establishing a grant program for a neighborhood organization incubator; distributing funding for alcohol and other drug abuse services; and making appropriations.

*Risser  
philosophy  
objection  
to everything  
but  
restorative  
justice*

Joint Legislative Council.

**No Amendments Pending. Concern About Church-State Separation Issues. Bill contains appropriation. Must go the Joint Finance.**

**Assembly Bill 562**

Relating to: creating a southeast Wisconsin crime abatement task force.  
By the Committee on Criminal Justice.

*Risser ok*

**Two Amendments Pending: One amendment (LRBa1434/1), at the request of Reps. Krug and Riley adds the Chief of Police of the City of Milwaukee as a member of the task force. The other amendment (LRBa1427/1) at the request of the State Bar of Wisconsin adds to the task force a member of the State Bar's Criminal Law Section who lives in the affected area, as well as a member of a local bar association for every county enumerated as part of the task force in the bill (i.e., Milwaukee, Kenosha, Racine, Rock and Waukesha).**

*Quelisma  
?*

**Assembly Bill 614**

Relating to: unauthorized duplication of a recording, unauthorized recording of a performance, failure to disclose manufacturer of a recording, unauthorized use of a recording device in a movie theater and providing a penalty.

*no problems*

By Representatives Pettis, Kestell, Jensen, Coggs, Underheim, Klusman, Sykora, Albers, Olsen, Nass, Ward, Handrick, Vrakas, Staskunas, Kreibich, Walker, Musser, Kaufert and Bock; cosponsored by Senators George, Rosenzweig, Panzer, Breske and Grobschmidt.

**No Amendments Pending.**

### Senate Bill 106

Relating to: court-appointed special advocates for children and juveniles in need of protection or services.

By Senators Wirch, Plache, Huelsman, Burke, Darling, Clausing, Rosenzweig, Erpenbach and Roessler; cosponsored by Representatives Steinbrink, Kreuser, Porter, Ladwig, Kelso, Turner, Coggs, Brandemuehl, Sykora, Reynolds, Meyer, La Fave, Johnsrud and Ryba.

*no problems*

**Agreed Upon Substitute Amendment Pending. (LRBs0270/4). Sen. Wirch's office has worked out a compromise with all the concerned groups, including organizations that currently operate CASA programs.**

### Senate Bill 110

Relating to: prisoners throwing or expelling certain bodily substances at or toward others, testing for the presence of communicable diseases in certain criminal defendants and juveniles alleged to be delinquent or in need of protection or services and providing a penalty.

By Senators Moen, Drzewiecki, Breske, Farrow, Erpenbach, Rude, Baumgart, Huelsman, Schultz and Roessler; cosponsored by Representatives Musser, Huebsch, Plale, Pettis, Seratti, Ryba, Sykora, Gronemus, Ziegelbauer, Ainsworth, Ladwig, F. Lasee and Albers, by request of the Local 219, Jackson Correctional Institution Officers.

*no problems*

**Two amendments pending. The first one (LRB a1180/1 ) by request of the State Laboratory or Hygiene expands the scope of bodily substances covered under the bill. The second one (LRBa1298/1) by request of the committee members , reduces the maximum penalty from five years, consecutive to the current prison term, to 2 years, consecutive to the current prison term.**

*dis tributed*

### Senate Bill 172

Relating to: discharge or other retaliation or discrimination against an employe of a health care facility or a health care provider who reports a violation of the law or a violation of a clinical or ethical standard by the health care facility or health care provider or by an employe of the health care facility or health care provider and providing a penalty.

By Senators George, Robson, Baumgart, Burke, Cowles, Darling, Grobschmidt, Moen, Plache, Roessler and Rosenzweig; cosponsored by Representatives Underheim, Carpenter, Albers, Black, Bock, Boyle, Coggs, Colon, Cullen, Goetsch, Hahn, Hebl, Kelso, Kreuser, Krusick, La Fave, Ladwig, Lassa, J. Lehman, M. Lehman, Miller, Musser, Olsen, Pettis, Plouff, Pocan, Richards, Sinicki, Staskunas, Walker, Wasserman, Waukau and Ziegelbauer.

**Agreed Upon Substitute Amendment Pending. (LRBs???)?. Senators Robson and Clausing and Representative Underheim convened a meeting with representatives of hospitals and health care worker unions to work out a compromise that all parties have apparently accepted. The compromise is being drafted as a substitute amendment to both the Assembly and Senate versions of the bill.**

**Senate Bill 214**

Relating to: notice to a victim of the right to make a statement at sentencing or disposition.

By Senator Burke; cosponsored by Representative Huber.

**No Amendments Pending.**

**Senate Bill 284**

Relating to: contracts with persons who take depositions.

By Senators George, Rude, Breske, Cowles and Rosenzweig; cosponsored by Representatives Walker, Huebsch, Hebl, Staskunas, M. Lehman, Albers, Goetsch, J. Lehman, Hahn, Colon, Richards and Cullen.

*no problem*

**No Amendments Pending. This bill was voted upon at the February 1, 2000 executive session but was not reported out of committee.**

**Senate Bill 395**

Relating to: policies concerning treatment and conduct of persons detained during a sexually violent person commitment proceeding and person committed for treatment after being found to be a sexually violent person.

By Senator George; cosponsored by Representative Huebsch. By Request of the Department of Health and Family Services.

*Riiser ?*

**Agreed Upon Substitute Amendment Pending: (LRB s0315/1) As substantiated by testimony at the 2-22-2000 hearing, the substitute addresses the concerns of both DHFS and DOJ.**