

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_ab0265

03hr_sb0000

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00

W D A A

David J. Wambach, President
Jefferson County District Attorney's Office
320 S. Main Street
Jefferson, WI 53549

Wisconsin District Attorneys Association

Scott Horne, President Elect
Robert Jambois, Secretary-Treasurer
Todd Martens, 1st Vice President
Paul Bucher, 2nd Vice President
Tim Baxter, 3rd Vice President
Sandy Williams, Past President
Jerilin Dietz, Executive Director

Elma Anderson, ADA Rep.
Patrick Kenney, ADA Rep.
Mike O'Rourke, ADA Rep.
Steve Tinker, DOJ Rep.
Stuart Morse, SPO Rep.
Aleta Niebuhr, SPET Director

May 6, 2003

Representative Scott Suder, Chairperson
Assembly Committee on Criminal Justice
P.O. Box 8953
Madison, WI 53708

RE: AB 265

Dear Chairperson Suder:

I write you regarding AB 265 on behalf of the Wisconsin District Attorney's Association (WDAA) in my capacity as president. The WDAA supports the passage of AB 265 which would redefine the terms, "substantial bodily harm." The WDAA joins the Wisconsin Coalition Against Domestic Violence in advocating for the changes introduced in AB 265. As you know, this legislation will bring the statutory definition of substantial bodily harm up to date with changes in medical practice in which alternatives to sutures are employed to close a laceration. It will also address the practical problem that a "broken" nose often does not include a fracture of the nasal bones, but instead of the cartilage of the nose which causes disfigurement, but not an injury currently meeting the strict technical definition of a fractured bone. These changes are most consistent with modifying technical irregularities in the current statutory language as opposed to any substantive change in the law.

On behalf of the WDAA I thank you, Vice Chairperson Friske and the members of your committee for your work and attention on this valuable issue to address the injustices and inequities which can result from the technical irregularities in the current statutory language.

Rep. Suder
Page 2
May 7, 2003

Sincerely,

A handwritten signature in black ink, appearing to read 'David J. Wambach', written in a cursive style.

David J. Wambach
WDAA President

DJW/rlr

Pc: Rep. Friske
Rep. Owens
Rep. Colon
Rep. Staskunas
Rep. Schneider
Rep. Young
Rep. Vukmir
Rep. Turner
Rep. Pocan
Rep. Petrowski
Rep. Lasee
Rep. Owens
Rep. Jeskewitz
Rep. Gundrum



BOLTON REFUGE HOUSE, INC.

P. O. Box 482 Eau Claire, Wisconsin 54702-0482
(715) 834-0628

SHELTER & COUNSELING for victims of
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Toll Free: (800) 252-4357
FAX: (715) 834-9434

NOVUS ABUSER SERVICES
513 S. Barstow Street Suite #111
Eau Claire, Wisconsin 54701
PHONE: (715) 832-4887

June 12, 2003

State Representative Scott Suder
Room 21 North
P.O. Box 8953
Madison, WI 53708-8953

Dear Representative Suder;

Since 1976, when Bolton Refuge House became the first domestic violence shelter in the state of Wisconsin, our agency has advocated for legislation that protects the rights and promotes the safety of victims of domestic violence and sexual assault.

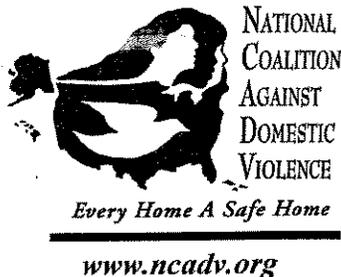
We support 2003 Assembly Bill 265 as an important step in those efforts. Victims have long told us of the inequities of the current language, and our local district attorney's office has reinforced those reports. Victims of domestic violence that have sustained substantial bodily harm have, until now, been lacking adequate legal justice because their laceration was treated with surgical glue instead of stitches, or because the "bone" that was broken was really cartilage.

Please continue in your efforts to rectify this injustice. Thank you for your continuing support of victims, their families, and the advocates that serve them.

Sincerely,

Gerald Wilkie
Executive Director
Bolton Refuge House

Judi Moseley
Public Education Coordinator
Bolton Refuge House



June 23, 2003

The Honorable Scott Suder
Room 21 North
State Capitol
P.O. Box 8953
Madison 53708

Dear Representative Suder:

On behalf of the National Coalition Against Domestic Violence (NCADV), I would like to thank you for your strong commitment to eliminating domestic violence. The "Domestic Violence Prevention Act" (A.B. 265), sponsored by Representative Shilling and yourself, should be applauded for closing loopholes in Wisconsin's assault statutes that would often allow perpetrators of domestic violence to receive reduced sentences or escape criminal responsibility entirely. Expanding the scope of "substantial battery" to include broken noses and lacerations that require staples or a tissue adhesive, increases the penalty for abusers who would have only previously been charged with the less significant "bodily harm." Victims should not be discouraged from seeking help or pressing charges and abusers should not be allowed to escape justice on a mere technicality. Because of your commitment in Wisconsin, your state is becoming a safer place for victims of domestic violence. We thank you again for your commitment to the issue. If there is any further assistance we may provide, please do not hesitate to contact us.

Sincerely,

Juley Fulcher
Public Policy Director



Personal Development Center, Inc.

630 South Central Avenue • Suite 101R
Marshfield, Wisconsin 54449
715/384-2971 FAX 715/384-7826

*Serving the Greater
Marshfield Community
for over 20 years...*

June 24, 2003

State Representative Scott Suder
State Capitol Room 21 North
PO Box 8953
Madison WI 53708-8953

Dear Representative Suder,

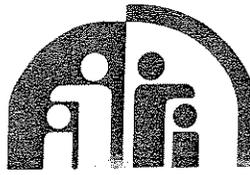
The Clark County Domestic Violence Project, an outreach office of the Personal Development Center, Inc., is in strong support of Assembly Bill 265. This bill will help to close a "legal loophole" that often frustrates court officials and victims when attempting to hold batterers accountable for their abusive behavior. Additionally, we are pleased that the bill allows lacerations and broken noses requiring staples or tissue adhesive to be charged as "substantial battery."

This proposed legislation is an important step in continuing the progress made to hold batterers accountable for their behavior, and to convict on serious offenses. This bill gives the criminal justice system more leverage to continue advocating for the safety of victims and their families throughout our state. The Clark County Domestic Violence Project is appreciative of Representatives Suder's and Schilling's hard work in introducing this bill.

Sincerely,

Jennifer L. Foemmel
Crisis Case Manager, Clark County Domestic violence Project

MaryAnn Lippert
Executive Director, Personal Development Center



FAMILY SUPPORT
C E N T E R

Telephone: 715-723-1138
Toll-Free: 1-800-400-7020

P.O. Box 143
Chippewa Falls, WI 54729



June 25, 2003

Representative Scott Suder
Rm. 21 North, State Capitol
P.O. Box 8953
Madison, WI 53708-8953

Dear Representative Suder,

I am writing to express our support for Assembly Bill 265 (Domestic Violence Prevention Act.) Our agency is the domestic violence agency for Chippewa County and in that capacity we provide counseling, advocacy, shelter and 24 hour crisis assistance to victims of domestic violence. We work with over 400 victims of domestic violence every year and see first hand the devastation caused by this crime. A key part of the solution to the problem of domestic violence is holding perpetrators accountable.

In order to hold perpetrators responsible for their crimes, it is very important that the definition of "substantial battery" be expanded to include broken noses and lacerations that require staples or a tissue adhesive. The fact that the substantial battery statute currently does not include broken noses drastically limits the options of prosecutors. Victims of domestic violence often suffer broken noses, and essentially, perpetrators cannot be held accountable for this injury under the current statutes.

Thank you for sponsoring this very important bill.

Best Regards,

Geri Segal
Executive Director



MINNESOTA PROGRAM DEVELOPMENT, INC.

DOMESTIC ABUSE INTERVENTION PROJECT
NATIONAL TRAINING PROJECT
MENDING THE SACRED HOOP
VISITATION CENTER

July 1, 2003

State Representative Scott Suder
69th Assembly District
Room 21 North, State Capitol
Madison, WI

Dear Representative Suder,

We appreciate your office informing us of 2003 Assembly Bill 265, which amends Sec. 939.22(38) Wis. Stats., to read: "Substantial bodily harm" means bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone; a broken nose; a burn; a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth."

As a national resource center on the criminal justice response to domestic violence, the Battered Women's Justice Project is committed to a law enforcement response to domestic violence that not only keeps victims safe, but also holds offenders appropriately accountable. We are aware that one of the current barriers to offender accountability is state laws and legal definitions pertaining to substantial injury, harm or physical impairment. We commend your efforts to improve Wisconsin statutes in this regard, and support the passage of 2003 Assembly Bill 265.

Sincerely,

Denise Gamache
Associate Director
Battered Women's Justice Project, a program of Minnesota Program Development, Inc.

Milwaukee POLICE Association

Local #21 IUPA-AFL-CIO



OFFICE: 1840 N. FARWELL AVENUE, SUITE 400, MILWAUKEE, WI 53202
PHONE: (414) 273-2515 • FAX: (414) 273-7237 • e-mail: police@execpc.com

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July 15, 2003

State Representative Scott Suder
Chairman, Committee on Criminal Justice
State Capitol
P.O. Box 8953
Madison, WI 53708

RE: SUPPORT OF ASSEMBLY BILL 265

Dear Chairman Suder:

The Milwaukee Police Association supports Assembly Bill 265 for the following reasons:

- ◆ Law enforcement officers in Wisconsin are frequently battered in the line of duty and receive injuries such as a broken nose.
- ◆ The medical treatment of injuries such as a laceration frequently involve the use of staples or a tissue adhesive.

We believe it appropriate to include in the definition of "substantial bodily harm" the above two additions so that anyone convicted of this type of conduct will face increased penalties.

The Milwaukee Police Association urges the Criminal Justice Committee to support Assembly Bill 265.

Sincerely,

MILWAUKEE POLICE ASSOCIATION

William P. Ward

William P. Ward
Vice President
Local #21, IUPA, AFL-CIO

WPW/cmm

Affiliated with: International Union of Police Associations AFL-CIO
Wisconsin State AFL-CIO

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: 10-28-3

Moved by: Carp

Seconded by: Stepp

AB 265 SB Clearinghouse Rule
AJR 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

Table with 5 columns: Committee Member, Aye, No, Absent, Not Voting. Rows include Senator David Zien, Senator Scott Fitzgerald, Senator Cathy Stepp, Senator Gary George, and Senator Tim Carpenter.

Totals: _____

liability relinquish custody of her newborn child to a law enforcement officer, an emergency medical technician, or a hospital staff member when the newborn child is 72 hours old or younger.

By Senators Kedzie, Reynolds, Schultz, A. Lasee, Lazich, Stepp, Roessler, Cowles, S. Fitzgerald and Kanavas; cosponsored by Representatives M. Williams, Ladwig, Rhoades, Jensen, Albers, Weber, Stone, Krawczyk, Petrowski, Hines, Bies, Suder, Hahn, Olsen, Seratti, Ainsworth, Townsend, Ott, Hundertmark, Nischke, M. Lehman, Gielow, Owens, McCormick, Gunderson, Kerkman, Loeffelholz, J. Fitzgerald, Van Roy, Vrakas, Freese, Jeskewitz, D. Meyer and Lothian.

Please consider the following motion:

- Moved by Senator Stepp, seconded by Senator Zien that SENATE BILL 28 be recommended for PASSAGE:

Aye ~~_____~~ No _____

Senate Bill 181

Relating to: leaving the scene of an accident and providing a penalty.

By Senators S. Fitzgerald, Darling, Erpenbach, Roessler and Kanavas; cosponsored by Representatives Hines, Friske, Zepnick, McCormick, Kreibich, Ainsworth, Ott, Wasserman, Seratti, Gronemus, Hundertmark, Townsend, Hahn, Nass, Bies, J. Fitzgerald, Turner, Van Roy, Pettis, Suder, Owens and Vrakas.

- Moved by Senator Carpenter, seconded by Senator Stepp that SENATE BILL 181 be recommended for PASSAGE:

Aye ~~_____~~ No _____

Senate Bill 273

Relating to: limiting the amount of bond set by a court in a civil action.

By Senators Kanavas, Erpenbach, Welch, Plale, S. Fitzgerald, Lassa, Schultz, M. Meyer, Darling, Wirch, Stepp, Decker, Zien, Reynolds, Leibham, Hansen and Breske; cosponsored by Representatives Suder, Kreuser, Pettis, Huebsch, J. Wood, Friske, Shilling, Musser, Ladwig, Jeskewitz, Kaufert, Montgomery, Travis, Balow, McCormick, Hubler, Petrowski, Hines, Plouff, J. Fitzgerald, Gunderson, Grothman, Richards, Schneider, F. Lasee, Sherman, Colon, Sinicki and Hundertmark.

- Moved by Senator Stepp, seconded by Senator Zien that Senate Amendment LRBA1534 be recommended for INTRODUCTION and ADOPTION:

Aye ~~_____~~ No _____

- Moved by Senator Stepp, seconded by Senator Zien that SENATE BILL 273 be recommended for PASSAGE AS AMENDED:

Aye X No _____

Assembly Bill 265

Relating to: causing substantial bodily harm to another person and providing a penalty.

By Representatives Suder, Shilling, Albers, Balow, Berceau, Boyle, Coggs, Cullen, Gottlieb, Hahn, Hines, Hundertmark, Kaufert, Krawczyk, Kreibich, Kreuser, Ladwig, Lassa, J. Lehman, Loeffelholz, McCormick, Montgomery, Morris, Musser, Nischke, Owens, Pettis, Plouff, Pocan, Richards, Schooff, Stone, Turner, Van Roy, Wasserman, Weber, Zepnick, Taylor, Gielow, Molepske and Hebl; cosponsored by Senators Stepp, Brown, Darling, Lazich, Robson, Roessler and Wirch.

- Moved by Senator Carpenter, seconded by Senator Stepp that ASSEMBLY BILL 265 be recommended for CONCURRENCE:

Aye X No _____

Assembly Bill 375

Relating to: leaving the scene of an accident and providing a penalty.

By Representatives Hines, Friske, Zepnick, McCormick, Owens, Kreibich, Ainsworth, Ott, Wasserman, Seratti, Gronemus, Hundertmark, Townsend, Hahn, Nass, Bies, J. Fitzgerald, Turner, Van Roy, Pettis, Suder, Vrakas and Vukmir; cosponsored by Senators S. Fitzgerald, Darling, Erpenbach, Roessler and Kanavas.

- Moved by Senator Stepp, seconded by Senator Carpenter that ASSEMBLY BILL 375 be recommended for CONCURRENCE:

Aye X No _____

Signature _____

Senator Scott Fitzgerald



WISCONSIN STATE REPRESENTATIVE
Jennifer Shilling
95TH ASSEMBLY DISTRICT

TO: Members of the Senate Committee on Judiciary, Corrections and Privacy
FROM: Rep. Jennifer Shilling
RE: Domestic Violence Prevention Act Testimony
DATE: October 28, 2003

Assembly Bill 265, or the "Domestic Violence Prevention Act," helps to close a legal loophole, which discourages domestic violence victims who suffer a broken nose or severe laceration from pressing charges against their batterers.

While current statutes include lacerations that require stitches, broken bones and even fractured teeth under "substantial bodily harm," lacerations treated with tissue adhesives and staples are treated as a lower level of battery.

Under Assembly Bill 265, the definition of "substantial battery" would be expanded to include broken noses and lacerations that require staples or a tissue adhesive. Currently, many domestic abuse victims are often discouraged from pressing charges after they learn that their attackers cannot be pursued to the full extent of the law. Their allegations fall under a lesser form of battery, thus lowering their sentence.

The FDA defines tissue adhesives as sterile, liquid topical adhesives used to close low-tension lacerations, wounds and surgical incisions. This adhesive is ideally suited for wounds on the face, torso and limbs and offers cosmetic advantages over other forms of skin closure. It is gentler on the skin and does not require suture removal.

Thus, the Domestic Violence Prevention Act will allow state statutes to catch up with 21st century technology when it comes to treating such injuries. While the language of Assembly Bill 265 consists of just a few technical statutory changes, it will give domestic abuse victims an important tool in pursuing justice.

That is to say, this bill is a further step in making batterers accountable for their actions and gives the judicial system more leverage in advocating for the well being of victims. As you will see from the testimony given today, advocates for the prevention of domestic violence and judicial system representatives agree that the Domestic Violence Prevention Act is key to ensuring that Wisconsin Statutes reflect the true intent of our domestic violence policy.

More women are admitted to emergency rooms for domestic violence related injuries than are admitted for rape, muggings, and car accidents combined. While this is certainly a sad reality that needs to be rectified; we must ensure their course of treatment once they enter the emergency room will not hamper the ability for them to press charges for the full extent of the crime.

The Domestic Violence Prevention Act passed the Assembly unanimously. I urge your support of the Domestic Violence Prevention Act as it progresses through the Committee on Judiciary, Corrections and Privacy. Thank you.

