

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2007-08

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on
Corrections and
Courts
(AC-CC)

(Form Updated: 07/24/2009)

COMMITTEE NOTICES ...

➤ Committee Reports ... CR
**

➤ Executive Sessions ... ES
**

➤ Public Hearings ... PH
**

➤ Record of Comm. Proceedings ... RCP
**

INFORMATION COLLECTED BY COMMITTEE
FOR AND AGAINST PROPOSAL ...

➤ Appointments ... Appt
**

Name:

➤ Clearinghouse Rules ... CRule
**

➤ Hearing Records ... HR (bills and resolutions)
** **07hr_ab0144_AC-CC_pt01**

➤ Miscellaneous ... Misc
**

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Assembly Committee on Corrections and the Courts

DATE _____

Moved by Kauf Seconded by Parisi

AB 144 SB _____ Clearinghouse Rule _____

AJR _____ SJR _____

A _____ 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 _____

↓
AB 144

Be recommended for:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Passage <input type="checkbox"/> Introduction <input type="checkbox"/> Adoption <input type="checkbox"/> Rejection | <input type="checkbox"/> Indefinite Postponement <input type="checkbox"/> Tabling <input type="checkbox"/> Concurrence <input type="checkbox"/> Nonconcurrence |
|---|---|

| | Committee Member | Aye | No | Absent | Not voting |
|--------|---|-----|----|--------|------------|
| 1. | Rep. Garey Bies, chair | 1 | | | |
| 2. | Rep. Phil Montgomery, vice-chair | 2 | | | |
| 3. | Rep. Dean Kaufert | 3 | | | |
| 4. | Rep. Carol Owens | 4 | | | |
| 5. | Rep. Mark Gundrum Steve Kestel | 5 | | | |
| 6. | Rep. Daniel LeMahieu | 6 | | | |
| 7. | Rep. Joe Parisi | 7 | | | |
| 8. | Rep. Mark Pohan | 8 | | | |
| 9. | Rep. Sheldon Wasserman | 9 | | | |
| 10. | Rep. Sindy Pope-Roberts | 10 | | | |
| 11. | Rep. Donna Seidel | | | | |
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MOTION FAILED

Assembly Committee on Corrections and the Courts

DATE _____

Moved by Marf Seconded by Parisi

AB 144 SB _____ Clearinghouse Rule _____

AJR _____ SJR _____

A _____ SR _____ Other _____

A/S Amdt 1

A/S Amdt _____ to A/S Amdt _____

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A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection
- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence

| | Committee Member | Aye | No | Absent | Not voting |
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| 6. | Rep. Daniel LeMahieu | 6 | | | |
| 7. | Rep. Joe Parisi | 7 | | | |
| 8. | Rep. Mark Pocan | 8 | | | |
| 9. | Rep. Sheldon Wasserman | 9 | | | |
| 10. | Rep. SONDY POPE-ROBERTS | 10 | | | |
| 11. | Rep. Donna Seidel | | | | |
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MOTION CARRIED MOTION FAILED

Assembly Committee on Corrections and the Courts

DATE _____
 Moved by Kauf Seconded by Parisi
 AB 144 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____
 A _____ SR _____ Other _____
 A/S Amdt 2
 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

| | Committee Member | Aye | No | Absent | Not voting |
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| | Totals | 10 | | 1 | |

MOTION CARRIED MOTION FAILED

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DONNA SEIDEL
STATE REPRESENTATIVE
85TH ASSEMBLY DISTRICT

Testimony of Rep. Donna Seidel
Assembly Bill 144
Assembly Committee on Corrections and the Courts
July 26, 2007

Good morning Chairman Bies and fellow members of the committee. Thank you for this opportunity to testify in support of AB 144.

Under Wisconsin law, there are several prohibitions and penalties regarding a person who intentionally escapes from the custody of a law enforcement officer after being arrested. The current escape law does not apply to an offender that attempts to escape while in the custody of a probation or parole agent.

This legislation would extend the definition of escape to cover cases where agents have taken an offender into secure custody and placed him or her in restraints, or are transporting offenders after taking them into custody.

It was recently brought to my attention that there was a drafting error and the felony charge levied in the current bill for this offense was not inline with the current escape law. An amendment has been drafted to rectify this error and a person on probation, parole or extended supervision who escapes from his or her probation, parole or extended supervision officer while being detained would be guilty of a Class H felony, which carries a fine of up to \$10,000 and imprisonment of no more than 6 years. If the officer is injured during the escape, the sentence may be increased. A copy of this amendment is being distributed today and will be offered when the committee takes executive action.

The bill also prohibits juvenile offenders from escaping a caseworker, an intake worker or dispositional services worker if he or she has been detained for a violation of a dispositional order or a condition of aftercare supervision.

I have worked with Representative Kreuser on this legislation and he will be testifying on the importance of these changes to the escape law. You will also hear the testimony of agents from Kenosha County regarding an incident that brought to light the need for this bill.

Thank you for your attention to this important legislation.



**TESTIMONY OF QUALA CHAMPAGNE, ADMINISTRATOR,
DIVISION OF COMMUNITY CORRECTIONS
DEPARTMENT OF CORRECTIONS
AB 144, RELATING TO ESCAPES BY OFFENDERS ON COMMUNITY
SUPERVISION
ASSEMBLY COMMITTEE ON CORRECTIONS AND COURTS
JULY 26, 2007**

Good morning, Chairman Bies and Members of the Assembly Committee on Corrections and Courts. My name is Quala Champagne. I am the Administrator of the Division of Community Corrections at the Department of Corrections. I am here to speak in support of Assembly Bill 144 which would expand the definition of the crime of escape to cover situations where a person on probation, parole or extended supervision intentionally escapes from his or her supervising agent, if the person has been detained based on a violation of his or her supervision.

Under current law, there are no criminal penalties for these escapes. This kind of conduct is very serious, and can jeopardize the safety of our agents and the public. The Department of Corrections strongly supports making this conduct a crime.

Currently the Division of Community Corrections is responsible for the supervision of over 70,000 persons on probation, parole or extended supervision. There are a total of 1450 state agents to do this work. Agents play a key role in protecting public safety in communities across Wisconsin. Their duties and responsibilities include conducting home visits and other face-to-face meetings with offenders, developing and enforcing rules of supervision, assisting offenders to obtain employment, treatment, and other services, working closely with local law enforcement on criminal investigations and other public safety issues.

Another important agent role is transporting offenders in custody situations. In many instances, law enforcement officers transport our offenders. We do, however, complete numerous transports, including from one county jail to another and from county jail to the state prison system. All agents receive specialized training upon their appointment and all receive annual update training on the department's certified arrest, custody and transportation program. This training provides the agents with the skills to properly use restraints, de-escalation, communication and self defense.

Thankfully, the number of instances where offenders have escaped while being transported in secure custody is relatively few. On average this occurs about five (5) times a year. This low number is due in large part to our well-trained and professional agents. However, when it does occur, it is potentially dangerous to our staff and others in the community. This fact was highlighted on August 28, 2006 when state division of community corrections agents, Kelly Brownson and Charles Sosinski were transporting an offender from the Milwaukee Secure

Detention Facility to the Kenosha County Jail. The offender caused physical harm to Agent Brownson while attempting to escape from their custody. Fortunately, two off duty Kenosha County Sheriff Department Detectives were in the immediate area and witnessed the event. They rendered aid to our agents and captured the offender as he tried to flee the scene on foot.

I respectfully wish to point out two items for possible language change in the bill. The first is to use the term probation, parole or extended supervision agent rather than officer. The second change is to include Department of Corrections correctional officers, since they also work in the community and transport offenders.

In closing, I want to thank the committee for providing me the opportunity to speak in favor of this bill and I am available to answer any questions from members of the committee.





Memorandum

To: Members, Assembly Corrections and the Courts Committee

From: Rep. Garey Bies, Chair

Date: December 3, 2007

Re: Assembly Bill 144

Attached to this memo please find a copies of amendments to AB 144 scheduled for executive action on Tuesday, December 4th. These amendments were introduced by the author on Thursday, November 29th.

First for Wisconsin!

Capitol: P.O. 8952, Madison, WI 53708-8952 • (608) 266-5350 • Fax: (608) 282-3601
Toll-Free: (888) 482-0001 • Rep.Bies@legis.state.wi.us

Home: 2590 Settlement Road, Sister Bay, WI 54234 • (920) 854-2811

Nowlan, Andrew

From: Verette, Natalie
Sent: Monday, December 03, 2007 11:44 AM
To: Nowlan, Andrew
Subject: AB 144 Amendments

Attachments: Assembly Amendment 1 - AB 144.pdf; Assembly Amendment 2 - AB 144.pdf; AB 144 DOC
Testimony from Public Hearing.pdf

Andrew:

Here are electronic copies of the two amendments introduced by Rep. Seidel for AB 144.

Amendment 1: corrects a drafting error by bringing the felony charge levied in AB 144 inline with the current escape law (this amendment was distributed at the public hearing and addressed in Rep. Seidel's testimony)



Assembly
Amendment 1 - AB 144

Amendment 2: addresses the two language changes requested by the Department of Corrections at the public hearing (testimony attached - middle paragraph on page 2)



Assembly
Amendment 2 - AB 144



AB 144 DOC

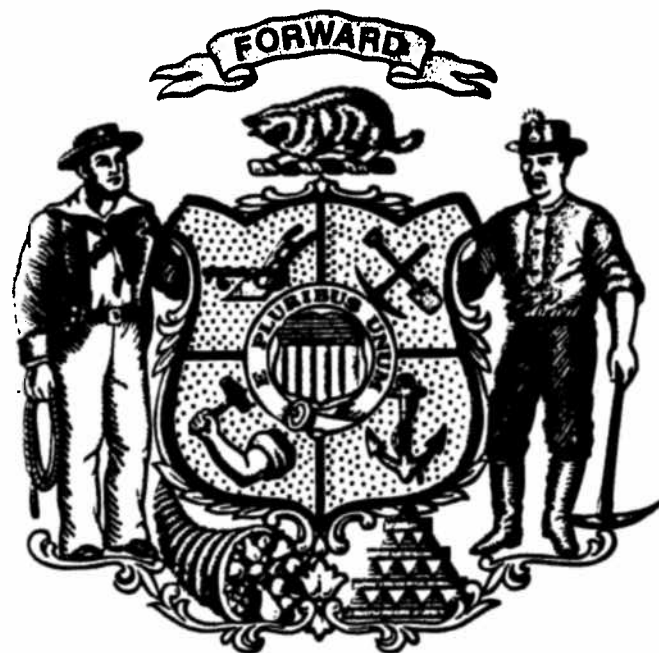
Testimony from Publ.

Thank you,
Natalie

Natalie Verette
Legislative Assistant
Office of State Representative Donna Seidel
85th Assembly District

State Capitol, 7 North
P.O. Box 8953
Madison, WI 53708

608.266.0654
888.534.0085 (toll-free)
natalie.verette@legis.wisconsin.gov



BILL HISTORY FOR ASSEMBLY BILL 144

An Act to renumber and amend 946.42 (1) (a); to amend 973.01 (2) (c) 2. a.; and to create 946.42 (1) (a) 1. c., d. and h., 946.42 (2m), 946.42 (2r) and 946.42 (4) of the statutes; relating to: escapes by persons on probation, parole, and extended supervision and providing penalties.(FE)

2007

- 03-05. A. Introduced by Representatives **Seidel, Kreuser, Hraychuck, Albers, Bies, Gunderson, Gundrum, Jeskewitz, Musser, Nass, Nelson, Sheridan and Staskunas**; cosponsored by Senators **Wirch, Roessler, Lassa and Lehman**.
- 03-05. A. Read first time and referred to committee on Corrections and Courts 83
- 04-24. A. Fiscal estimate received.
- 07-26. A. Public hearing held.
- 11-29. A. Assembly amendment 1 offered by Representative Seidel.
- 11-29. A. Assembly amendment 2 offered by Representative Seidel.



AB 144

Plugs a "loophole" in current law.

Escape from a probation officer is not considered an "escape" from supervision.

Bill makes escape also include escape from probation & parole officers.

No
Date

