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Committee Members, thank you for your consideration of Assembly Bill 147. I drafted AB 147 at the request of the Wisconsin Chief of Police Association and the Wisconsin Department of Justice.

Under current law, any person who knowingly harms or even threatens to harm a judge or a member of his or her family while the judge is acting in his or her official capacity is guilty of a Class H felony (max imprisonment of 6 years and a fine of \$10,000.00). Current law also makes it a Class H felony to intentionally harm a police officer acting in his or her official capacity, but does not extend the same protections against threats to the officers or to threats or harm to members of their families. Nor are there any special protections against harming or threatening to harm prosecutors or members of their families.

Consider that the same potentially dangerous criminals that appear before our judges are also prosecuted by our district attorneys and are faced by law enforcement during criminal investigations and arrests. According to members of law enforcement, threats are not uncommon.

Those who serve our communities and state as members of law enforcement or of the court system should not be subjected to threats from those they protect us from and neither should their family members. This bill makes that very clear.

Under AB 147, any person who commits or threatens to commit bodily harm to a judge, law enforcement officer, prosecutor or their families while the judge, law enforcement officer or prosecutor are acting in their official capacity will be guilty of a Class H felony.



State Senator
Rick Gudex

District 18

April 7, 2015

To: The Assembly Committee on Judiciary
From: Sen. Rick Gudex
Re: Assembly Bill 147

Mr. Chairman, members of the committee, thank you for hearing this bill today and for allowing me to speak on its behalf.

We all know how important our legal system is, and we all understand that a fair and objective legal system can't work properly if the people who work in that system have to do so in fear. That's why the law currently provides greater legal protection for police, who risk being violently targeted by the people they deal with every day. Battery against a police officer who's just doing his or her job carries a higher potential penalty than battery against an average citizen.

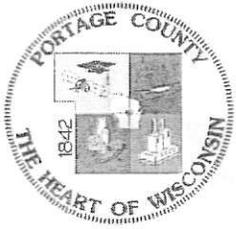
Judges, very reasonably, receive even more protection. Battery against a judge carries a higher penalty when the crime is committed due to the judge doing his or her job, and so does the threat of battery against the judge. A judge's family receives the same protection: violence or the threat of violence against a judge's family, if committed because of a ruling or a case in that judge's courtroom, carries a higher penalty under current law.

It has to be this way. A judge has to be free to rule according to the law, free from any fear of reprisal or revenge. This law makes a lot of sense.

But there are others in the legal system who also need that assurance that they and their families are protected. This bill expands the same protections to police and to prosecutors and their families.

Far from creating a second class of citizens who get more protection under the law than the rest of us, this bill recognizes our compelling interest in a fair and independent legal system.

Thank you for your attention. I will be happy to answer any questions.



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April 07, 2015

RE: Assembly Bill 147 – Threats to Prosecutors

Victim/Witness Coordinator
Jane Iwanski

Dear Chairman Jim Ott and Members of the Assembly Judiciary Committee:

I would like to thank you for holding a public hearing on Assembly Bill 147 dealing with adding prosecutors and their families to the battery and threat of battery sections of Wisconsin Statute 940.203. Prosecutors and their families are currently exposed to threats of battery and actual battery due to the inherent risk that is involved in prosecuting offenders that have violent tendencies and those facing substantial incarceration. As a former Legislator, I introduced similar proposals like AB 147 along with former Representative and now Judge Mark Gundrum. These proposals were well received but ran out of time before the Assembly and Senate adjourned.

Personally, this bill is needed to address the current gap that prosecutors have in the law when they or their families are threatened or sustain simple injuries by battery. This past Friday, April 3, 2015, I learned that an inmate of a Wisconsin prison had conspired to hire a fellow inmate to kill the Portage County District Attorney and his wife. This offender is currently in prison for conspiring to kill a former ADA of Portage County and also a Judge in Portage County. My wife and I spoke about this threat, and I can tell you it shocked us and made us think even more about our personal safety and also that of our 5 week old daughter.

We must take this threat and threats like this across our State and Nation against prosecutors very seriously by imposing swift and stiff penalties against those that would attack the face of our criminal justice system. A person who would threaten a Judge, a Prosecutor or a Law Enforcement Officer with death or injury simply because that public servant is doing their job undermines the criminal justice system and is a threat to everyone in the community. This type of crime must be dealt with as a felony level offense so that a lengthy period of supervision can be ordered – these are not misdemeanor offenses.

I would like to tell you that the threat on my life was an isolated threat, but unfortunately, this was the second credible threat I had received. Last year, a convicted person sent me a letter describing in detail how he would brutally sexually assault, torture and kill a fellow attorney and then he would come for me, my staff and then would blow up the

Courthouse. I have included part of the actual letter for you directed at me and my staff.

*Name, I get out of prison &
find the DA of Stoughton
point and kill him or her
and as well as the county
house by and kill every one
in the DA's office.*

This offender is currently incarcerated for two convictions for battery or threat to a Judge and while he was incarcerated he was convicted of two counts of battery to a prisoner. The class H felonies and other convictions that he was convicted of will keep him in prison until 2025 – and my office and I are relieved he will be under supervision of the Department of Corrections.

If he had “only” made a threat against a prosecutor, unlike a Judge, he would not face the class H felony and he likely would not be in prison but would be in our community and able to personally carryout his plan.

The criminal justice system must be able to respond appropriately when a county’s top law enforcement officers and their families are threatened or battered in a community. Currently, prosecutors do not have these recognized “protections” under the law and furthermore, State law does not recognize the prosecution profession as part of law enforcement’s protective class. Obviously, without prosecutors we have no criminal justice system. The current law recognizes the importance of Judges and sworn law enforcement officers that serve us in the criminal justice system, and prosecutors believe it is long overdue that we recognize that prosecutors are also serving us in the criminal justice system and they are being targeted and killed in this Country for simply doing their jobs.

I very much appreciate Chairman Ott’s authorship of this bill along with the co-sponsors of the bill, and I would highly recommend passage of this bill at the next executive session of the committee. This bill recognizes the current gap in the law that prosecutors and their families currently fall through. Please support this bill and further efforts that recognize the specific challenges facing prosecutors throughout Wisconsin.

Very Truly Yours,



Louis J. Molepske, Jr.
District Attorney
Portage County