

# ANDRÉ JACQUE

STATE REPRESENTATIVE • 2<sup>nd</sup> ASSEMBLY DISTRICT

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TO: Members of the Assembly Committee on Criminal Justice and Public Safety

FROM: Rep. André Jacque

DATE: January 25, 2018

RE: Assembly Bill 823

Chairman Spiros and Colleagues on the Assembly Criminal Justice Committee:

Thank you for holding this hearing on Assembly Bill 823. 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.

AB 823 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. Thank you for your consideration.

# OFFICE OF THE DISTRICT ATTORNEY BROWN COUNTY

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January 24, 2018

Representative John Spiros  
Chairman of the Assembly Committee on Criminal Justice and Public Safety  
Wisconsin State Capitol  
Room 15 North  
P.O. Box 8953  
Madison, WI 53708

RE: Letter of Support for Assembly Bill 823

Dear Chairman Spiros:

I am writing to express my support for Assembly Bill 823, which would slightly modify Wisconsin's Burglary statute to include entering certain places with intent to commit a battery. Unfortunately I am not able to attend the public hearing on January 25, 2018, but I would ask that you accept this letter in lieu of any testimony.

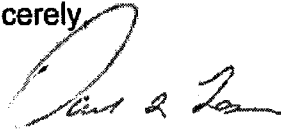
In my view the present bill represents a logical and straightforward modification to the Burglary statute that eliminates disproportionate treatment of property crimes over crimes against bodily security. Under the current the law, a teenager who enters a garage, without consent, and with intent to steal any item, no matter how small, could be charged with Burglary, a Class F felony. However, a jealous former spouse, who enters a home, without consent, and with intent to physically harm his/her former spouse could only be charged with a series of misdemeanor offenses. Based on my discussions with prosecutors in my office and around the state, the latter example is far more serious than the former and is deserving of a potential penalty that is on par with the present Burglary statute.

The above-referenced scenarios are not uncommon, rather, this situation occurs at least a handful of times every year in Brown County alone. The proposed modification to the Burglary statute would

provide law enforcement and prosecutors with another tool to address physically violent conduct and to provide safety and security for victims of crime.

Thank you for your consideration in this matter. Should you have any questions or concerns, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Lasee". The signature is fluid and cursive, with a large initial "D" and "L".

David L. Lasee  
District Attorney