



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

October 19, 2017

Senate Committee on Judiciary and Public Safety

State Sen. Alberta Darling's and State Rep. Joe Sanfelippo's public testimony on Senate Bill 408

Serving time for gun crimes: Appropriate sentencing for career criminals who commit gun crimes.

Thank you Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety for holding a public hearing on Senate Bill 408. This bill will discourage criminals from using firearms by creating a mandatory minimum for career criminals who commit gun crimes and stricter penalties for straw purchasers and human holsters.

The City of Milwaukee is an economic and cultural hub for Wisconsin, but to remain so it needs to solve its gun crime problem. Seventy-eight people have been murdered with guns so far in 2017 (as of 10/18/17). In 2016 the city had 125 homicides involving guns.

One measurement of gun crimes is the firearm recovery rate, which measures the amount of guns used in crimes recovered by the police. The Milwaukee Police Department firearm recovery rate is 246.6 per 100,000 people. In comparison, Chicago's firearm recovery rate is 185.5 per 100,000. **Milwaukee's per capita firearm recovery rate is significantly higher despite Chicago's high violent crime rates. Historically Milwaukee seizes a similar amount of firearms as New York City, despite New York having a population 15 times the size of Milwaukee.** Part of the problem in Milwaukee is that habitual criminals escalate their activity from petty crimes to gun crimes.

Habitual criminals are defined as individuals who commit three or more misdemeanors or one felony in a five year period. These criminals need to be deterred from escalating to using firearms. This bill creates a new mandatory minimum sentence for habitual criminals who escalate their criminal activity by using a firearm. Attached to this testimony are two case studies provided by the Milwaukee Police Department showing individuals who were convicted of three misdemeanors and then escalated to a more serious crimes. These case studies illustrate the need for a stronger deterrent. Further, the mandatory minimum sentence will punish criminals that commit gun crimes who previously committed felonies but pled down to misdemeanors, a common issue in Milwaukee. While a mandatory minimum alone will not solve the problem, it will give local police and prosecutors an additional tool to make sure those who commit gun crimes are brought to justice.

Wisconsin does not have clear laws that punish individuals who provide criminals with guns. A clear and strong deterrent is needed. This bill attempts to address another problem; guns falling into the hands of convicted criminals. Criminals are able to gain access to firearms through straw purchasing, when an individual legally purchases a firearm and knowingly transfers it to someone who cannot legally possess one. Another way criminals access guns is through human holsters, when someone who can legally possess a firearm carries it for someone who cannot legally possess one. This bill clarifies that straw purchasing or being a human holster is illegal and makes both crimes a class G felony. These changes will make people think twice before giving criminals a gun.

Again, thank you Chairman Wanggaard and committee members for scheduling a public hearing on this bipartisan bill. We encourage you to support Senate Bill 408. We're happy to answer any questions you may have.

State Sen. Alberta Darling

State Rep. Joe Sanfelippo

Amending Wis. Stat. §941.29 Possession of a firearm

CASE STUDY 1:

Damont FIPPS, 26

- May 2009, charged & convicted with a misdemeanor for 941.23 Carrying Concealed Weapon
- June 2011, charged & convicted with a misdemeanor for 941.23 Carrying Concealed Weapon
- February 2012, charged & convicted with a misdemeanor for 941.23 Carrying Concealed Weapon

-March 2016, FIPPS charged with a misdemeanor of Carrying Concealed Weapon and disorderly conduct.

- In September 2016, FIPPS was arrested for 1st Degree Intentional Homicide, and his jury trial is scheduled for March 2017.

- FIPPS was convicted of 3 misdemeanors of Carrying Concealed Weapon between 2009 – 2012, in 2016 he is stopped with another gun, and 6 months later he is charged with 1st Degree Intentional Homicide.

Amending Wis. Stat. §941.29 Possession of a firearm

CASE STUDY 2:

QuoVuan X SOUTHWARD, 21

- June 2012, charged & convicted with a Misdemeanor for 961.41(3g)(c) Possession of Cocaine.
 - June 2014, charged & convicted with 3 Misdemeanors for 946.14(1) Resisting or Obstruction an Officer, 346.04(2t) Resisting/Fail to Stop/fleeing, 947.01(1) Disorderly Conduct
 - November 2014, charged & convicted with 3 Misdemeanors for 940.19 (1) Batter, 940,44(1) Intimidate Victim/Dissuade Reporting, and 947.01(1) Disorderly Conduct
- October 2015, SOUTHWARD was charged with 2 counts of a no contact order, 2 counts of battery and 1st Degree RES. SOUTHWARD was convicted and sentenced to 13 years in Wisconsin State Prison.

-SOUTHWARD was convicted of multiple misdemeanors between 2012-2014. Approximately a year after his last conviction he is in possession of a firearm in a stolen vehicle.

a vehicle with occupants matching the description from a subject with a gun complaint. The driver, a felon and therefore a prohibited possessor, was seen discarding an object in the direction of a passenger who was paralyzed in a 2013 shooting incident. Recovered on the passenger were two firearms, one of which was purchased by the passenger and which he successfully petitioned to have returned to him. In February 2017, an officer stopped a vehicle suspected of mobile drug dealing which contained the brother of the paralyzed passenger from the September 2014 incident. One of the weapons recovered was the gun that the brother of the drug dealing suspect petitioned to have back after the 2014 incident. One month later, the mobile drug dealing suspect, the brother of the original petitioner of the weapon, was arrested for and charged with 1st Degree Reckless Homicide for a separate incident. It is important to note all all three individuals were part of criminal gang activity, showing the complex web of criminality involving firearms and violent activity. A jury trial for the homicide charge is scheduled for January 2018.

I share these examples to illustrate the need to take concrete action to address this ongoing challenge that not only threatens City of Milwaukee residents, but residents of the larger region, the State, and tourists contributing to our local and statewide economy. In addition to leveraging existing resources, we need legislative action to update our state statutes governing firearms to better address this ongoing obstacle to safer neighborhoods, not only in Milwaukee but throughout the State of Wisconsin. As part of this legislation, the City of Milwaukee supports amending section 941.29 of the Wisconsin Statutes: Possession of a Firearm to criminalize the dangerous and pervasive activities of straw purchasing and acting as a human holster.

The City of Milwaukee supports addressing straw purchasing and human holsters through this legislation. We believe efforts to do so will make our city and state safer. Thank you for your time. I would be pleased to answer any questions you may have.



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City of Milwaukee Testimony on SB 408
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Straw purchasing incident: Samantha Muns on behalf of Brandon Hinton at Gander Mountain. The firearm was purchased on 02/16/2016 and the gun was recovered on 02/21/2016. Muns pled guilty.

