

# JOHN SPIROS

State Representative • 86th Assembly District

March 2, 2023

## Testimony on Assembly Bill 52

Good Morning Chairman Tusler and members of the Assembly Committee on Judiciary, and thank you for allowing me to share my testimony regarding Assembly Bill 52 (AB 52). This bipartisan bill begins to address a worrisome trend we are seeing both nationally and here in Wisconsin: carjacking. The statistics we often hear in the news are truly astounding: carjackings in major cities across the county are quadrupling in just a few years. Unfortunately, numbers here in Wisconsin are not far behind. According to DOJ, in the two years from 2019 to 2021, Milwaukee Police Department saw a 20% increase in carjackings. In just a year, from 2020 to 2021, Madison saw a 60% increase. These numbers are unacceptable. Even worse, if we step back and look at a longer time period, the statistics are even more astounding. From 2012 to 2021, Milwaukee's carjacking numbers increased by 93% and Madison's by an astounding 320%.

It's important to remember that these incidents are not just numbers. They're not even just car thefts. They're violent attacks causing injury and even death.

A 19-year-old woman carjacked and assaulted. A man beaten to death before his car was stolen. A mom begging at gunpoint to get her toddler out of the backseat before her car is stolen. A nurse bloodied after being repeatedly hit with a handgun before her car was stolen on hospital grounds. A 13-month-old baby killed when the car he was in was stolen and crashed. We cannot allow this to continue.

Assembly Bill 52 does two things to address carjacking. First, it defines it in statute. Currently, carjacking is not defined, and is instead organized under "operating vehicle without owner's consent." This can lead to a variety of different charges being filed for what should be carjacking. This change will not only bring clarity to statute, it will also allow for better statistical reporting as it is difficult to get statewide data on carjacking under current statute.

The second change under AB 52 is to reclassify carjacking with use or threat of a dangerous weapon as a Class B felony. Under current law, it is a Class C felony. The bill does not change the felony classification for carjacking without use or threat of a dangerous weapon.

For all felony offenses below Class A, sentences are bifurcated, meaning they include a period of confinement and a period of extended supervision. The full term of the sentence must be served, but for felonies below Class B, the confinement portion of the sentence may be moved to extended supervision. Reclassifying carjacking with use or threat of a dangerous weapon as a Class B felony ensures that individuals will serve the full period of the confinement sentence.

We all want Wisconsin to be safe. We shouldn't have to go about our lives scared that someone will take our car while we're unloading groceries or driving home from work. While not the end-all be-all fix, this bill begins to address rising carjacking numbers to ensure Wisconsin continues to be a great place to live, work, and play.

Thank you for listening to my testimony on Assembly Bill 52. I urge you to support this bipartisan bill and I look forward to answering any questions you may have.



March 2<sup>nd</sup>, 2023

Testimony of Senator James in favor of Assembly Bill 52

Thank you, Chairman Tusler and other members of the committee, for hearing my testimony on Assembly Bill 52 today. In the October Marquette Law School poll, 85% of respondents said they were either very concerned or somewhat concerned with crime in Wisconsin; that is unacceptably high. Today, I want to talk about one specific crime that is ravaging our state: carjacking.

Carjacking incidents have been in the news statewide for a while now, but in the last few months alone, there have been reports of serious carjackings in Madison, Janesville, Hudson, Clintonville, Waukesha, Stevens Point, and Green Bay. These victims were held at knifepoint in a Target parking lot, gunpoint at a gas station and a hospital, and entrapped on a county highway. The victim in Green Bay had to get 17 staples for her head after suffering a significant concussion, had a broken finger, bruises, and contusions. These victims deserve proper justice for the wrong done to them.

Assembly Bill 52 aims to ensure that the punishment matches the crime. By defining carjacking in statute, these crimes will no longer be classified under "intentionally taking" or "intentionally driving" a vehicle without the owner's consent. Currently, there are differing crimes and felony classifications that a suspect can be charged with. By clearly defining this crime, it eliminates the possibility of discrepancies in sentencing. Secondly, it bumps up the felony classification for carjacking with the use or threat of a dangerous weapon to a Class B felony. Taking a vehicle with a use or threat of a dangerous weapon is currently a Class C felony. This change ensures that those convicted serve out their full sentenced time in a correctional institution.

There is no silver bullet for solving the rising crime rates. This is just one small attempt to address this issue, and while this is not the final solution, it can at least provide a punishment that matches the severity of the crime. Thank you for listening, and I will be happy to take questions at this time.

Respectfully,

A handwritten signature in black ink, appearing to read "Jesse James".

Senator Jesse James  
23<sup>rd</sup> Senate District  
[Sen.James@legis.wisconsin.gov](mailto:Sen.James@legis.wisconsin.gov)





March 2, 2023

To: Chairman Tusler and Members of the Assembly Judiciary Committee

From: Wisconsin Chiefs of Police Association

Re: Support Assembly Bill 52, Carjacking

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Chairman Tusler, thank you for your willingness to hold a hearing on this legislation. We would also like to thank the authors, Representative Spiros and Senator James for introducing this bill.

We ask for your support of Assembly Bill 52.

Currently, Wisconsin statutes do not explicitly define carjacking. It is organized under "operating vehicle without owner's consent" which may lead to a variety of charges being filed for what should be considered carjacking. This bill reorganizes the carjacking crimes statutory section titled "Carjacking" and changes the statutory references to the carjacking in Wisconsin statutes.

Assembly Bill 52 also increases the penalty for carjacking from a Class C felony to a Class B felony if the person possesses a weapon and uses or threatens to use force or the weapon.

People often equate this crime as a crime that is witnessed in larger cities, however, carjacking is an issue with increased occurrences throughout our state and across the nation in municipalities large and small.

The Wisconsin Chiefs of Police Association (WCPA) believes these changes to Wisconsin statutes sends a message to those who commit these felonies that Wisconsin takes this crime seriously. In addition, these sentences will assist law enforcement in helping to keep our communities safe.

The WCPA supports this legislation and asks that the committee move forward on this bill.

We would be happy to take any questions regarding Assembly Bill 52.





# Wisconsin State Lodge *Fraternal Order of Police*



PO Box 206 West Bend, WI 53095

**Ryan Windorff**  
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**Mark Sette**  
Vice President

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The concept of monetary conditions of release, or “cash bail”, can be traced back to the infancy of our modern criminal justice system. The need to ensure the appearance of criminal defendants for proceedings and to protect the public from additional harm is an integral part of a civilized society. In recent years, we have seen this important safety mechanism eroded by a faction of rogue prosecutors in a failed social experiment they call “bail reform” and “criminal justice reform”. A nationwide crime surge and recent tragic events, including right here in Wisconsin, have highlighted the fallacy of these policies, and brought it to the public’s attention. Our communities are seeing the real-life consequences of what happens when elected officials embrace pro-criminal, revolving door policies and make decisions that put the interests of violent offenders ahead of public safety. This does not occur in every county, but criminals know no jurisdictional boundaries and citizens across the state suffer the consequences of these decisions no matter where they occur. These inconsistencies and failures of some officials require intervention from the legislature, and that is why we are here. As law enforcement officers, we know all too well the pain and suffering that the victims of a revolving door criminal justice system endure. We are on the front lines each and every day, not just risking our safety and our lives to apprehend these repeat offenders, but to console and help pick up the pieces of the victims who are lucky enough to survive.

Many officers, myself included, can tell you that they have personally arrested individuals for violent crimes who were released from custody, literally before the reports were even completed. We have listened to the pleas of victims asking us why we cannot protect them from their attackers who are back on the street. I have personally arrested defendants for crimes who were already out on bond who, when bail is set for their new case that included the new charges in addition to a bail jumping charge, were given an even lower bond than their initial one. Under current law, cash bail can only be imposed upon a finding that there is a “reasonable basis to believe that bail is necessary to assure the appearance of the accused in court”. This language precludes court commissioners and judges from another essentially important consideration for pre-trial release, the protection of the public.

In April, the people of Wisconsin will be given the opportunity to vote to amend our state’s constitution to allow court commissioners and judges to consider the “totality of the circumstances” when considering pre-trial release conditions for a defendant charged with a violent crime. These considerations include the seriousness of the offense charged; whether the accused has a previous conviction for a violent crime, the probability that the accused will fail to appear in court; the need to protect members of the community from serious harm; the need to prevent the intimidation of witnesses; and the potential affirmative defenses of the accused. We believe that these changes would offer the courts more latitude in imposing the necessary pre-trial conditions of release, including cash bail if necessary, to assist law enforcement officers in keeping our communities safe. Assembly Bill 54 would implement the language of the proposed constitutional amendment, if passed, into the statutes.

Another way that offenders evade the consequences for their crimes is through plea agreements or deferred prosecution agreements with our extremely overburdened prosecutors in Wisconsin. Charges being dismissed or amended down negate the seriousness of the offense that was committed and sends a message that we, as a society,





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March 2, 2023

## Wisconsin Fraternal Order of Police Testimony in Support of Assembly Bills 52, 54, 57, & 70

### Assembly Committee on Judiciary

Thank you, Representative Tusler and fellow committee members for the opportunity to provide testimony in support of Assembly Bills 52, 54, 57, and 70. My name is Mark Sette, and I am the Vice President of the Wisconsin State Lodge of the Fraternal Order of Police. The Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, with more than 364,000 members in more than 2,200 lodges. The Wisconsin State Lodge proudly represents more than 2,900 members in 26 lodges throughout the state. We are the voice off those who dedicate their lives to protecting and serving our communities. We are committed to improving the working conditions of law enforcement officers and the safety of those we serve through education, legislation, information, community involvement and employee representation.

Vehicle thefts in Wisconsin, most notably the City of Milwaukee, are reaching epidemic levels. Last fall the National Insurance Crime Bureau named Milwaukee a "hot spot" for vehicle thefts listing it 8<sup>th</sup> in the country for vehicle thefts in 2021, up from 66<sup>th</sup> just the year prior. In Wisconsin, vehicle thefts are charged under the statute titled "Operating Vehicle Without Owner's Consent". We can all agree that a suspect stealing an unoccupied vehicle parked on the side of the road, while wrong, is far less concerning than a suspect pointing a gun at someone commuting to their job and forcing them out of their vehicle to steal it. There are different charges under the Operating Vehicle Without Owner's Consent statute that provide increased penalties if a person possesses a weapon and uses or threatens to use force or a weapon, but they are not easily distinguished from someone stealing an unoccupied vehicle.

Assembly Bill 52 would create a new section in the statutes for "carjacking" that would better differentiate the two very different crimes and increase penalties if the suspect possesses a weapon and uses or threatens to use force or the weapon. We believe that defining "carjacking" as a separate offense will assist the public and the criminal justice system in identifying the true scope of the problem, properly classify these offenses as the violent crimes that they are, and the increased penalties would better address the severity of the act.

We are seeing a crime wave across Wisconsin, the likes we have not seen before. According to crime data from the Federal Bureau of Investigation, Wisconsin has seen a 29% increase in violent crime, and 171% increase in homicides from 2011 to 2021. We believe one of the most significant problems is the lack of accountability for those committing these crimes. When there are no consequences for breaking the law, more people will break the law and crime will continue to increase.





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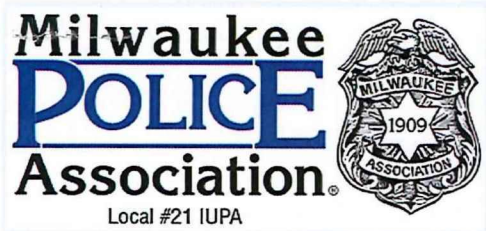
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do not take crime seriously. Assembly Bill 57 would require that a prosecutor get approval from the court before dismissing or amending charges for crimes of domestic violence, theft of an automobile, crimes against individuals at risk, sexual assault, crimes against children, felon in possession of a firearm, and reckless driving that causes great bodily harm. The courts would be required to consider the public's interest in deterring the commission of these crimes and the legislature's intent to vigorously prosecute individuals who commit these crimes when considering whether to approve the dismissal or amendment. This bill would also prohibit deferred prosecution agreements for any of the aforementioned offenses. This will send a message that the people of our state take these crimes seriously and at least slow down what has become a revolving door criminal justice system in many of our communities.

In the summer of 2020, we saw extremely violent riots across the country and right here in Wisconsin that resulted in vandalism, looting of businesses, and arson fires causing an estimated \$2 billion in damaged and led to assaults, shootings, and even the loss of life of citizens and law enforcement officers. We saw agitators from across the country invade our communities for the sole purpose of creating disorder to promote their social and political agendas. Law enforcement stood by in what seemed like a helpless endeavor to attempt to maintain peace and protect the communities they serve from death and destruction. Many of those most responsible for inciting the destruction we saw have gone unpunished due to their lack of direct involvement in the acts themselves. Currently Wisconsin statutes do not clearly define what a riot is and does not differentiate violent acts that occur as part of these violent demonstrations. Assembly Bill 70 would provide a definition of a riot and make it a Class I felony to urge, promote, organize, encourage, or instigate others to commit a riot and a Class H felony to intentionally commit an act of violence while participating in a riot. These laws would give law enforcement, prosecutors, and the courts the needed tools to hold those who turn what otherwise may have been a lawful and peaceful protest into a violent mob responsible for their actions.

Thank you again for the opportunity to testify in support of these bills, and I am happy to answer any questions you may have.



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March 2, 2023

Good morning my name is Alexander Ayala and I am the Vice President of the Milwaukee Police Association where we represent 1,300 members of the rank and file of the Milwaukee Police Department.

I want to thank the chair and Co-chair and the entire committee and all authors of the bills in which I will be testifying in favor of this morning.

I have been with the Milwaukee Police Department for 23 years now. I have served as a police officer in patrol for 15 years working various districts and assignments. The last 7 years of my career I have been working as a Detective in the robbery unit.

So I sit here today as someone who has worked the street of the city of Milwaukee and has worn the uniform for many years and have collected years of experience.

The Milwaukee Police Association is in favor of the bills presented today. We think that these bills change the quality of life of people around the state, and especially in the city of Milwaukee where we have seen a very severe spike in crime combined with critical staffing shortages never seen before.

Just 3 weeks ago we lost a Milwaukee police officer one of our brothers in blue to the criminals that are running the streets of Milwaukee. 2022 saw record homicides at 224 and non-fatal shooting at 877. We need all the help that can get when it comes to funding our police department, so that we can be properly staffed and be able to implement the changes in these bills.

I believe that these bills will help address some of the issues that Milwaukee is currently experiencing.

### **AB-52 – Carjacking**

We are in support of having a concise definition and a standalone statute that can categorize and define this very common and specific crime. This will also be helpful when presenting charges to a district attorney and it will show the severity of the crime that was committed. This will also be helpful for keeping accurate documentation of crime statistics. At the Milwaukee Police Department, we had to develop a separate tracking system to account for Carjackings so that they would not get lost in the Robbery crimes stats or the taking a vehicle without the owner's consent statistics. I also hope that the enhanced classification and penalties will help discourage people from committing this crime that affects not only the victim of the carjacking but future victims. It has been my experience as a Detective in the Robbery unit that suspects will commit a carjacking to then commit robbery sprees or other crimes leaving behind several innocent victims.



**AB- 57 - Dismissing or amending certain criminal charges and deferred prosecution agreements for certain crimes.**

We support this bill because of the revolving door that Milwaukee has become for criminals, and this has had a detrimental impact not only for Milwaukee but the communities that surround Milwaukee. Time after time we see someone arrested for a crime or several crimes only to later discover that some if not most charges were dismissed or amended to a lower crimes by a district attorney.

Now we understand that the workload for a DA is only growing, especially for Milwaukee county DA's, due to their staffing shortages and now it becomes the perfect storm of catch and dismiss.

We believe that the list of crimes set forth here are some of the crimes that have a high impact on quality-of-life issues and they should be an approval process in place if DA's are going to dismiss or amend charges.

**AB- 70 Participation in a riot and penalties**

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This bill should hold accountable those who want to make a peaceful protest a violent one. Acts of violence while in a protest can incite a riot and those people need to be charged. Riots destroy neighborhoods, hurt innocent people, business and first responders that are trying to do their jobs.

I have now been involved in two separate incidents of protest that turned into riots. One in 2016 when a gas station was burned down in District 7 along with other business and squad cars. My second one in 2020 when as a detective and had to put on my riot gear and stand in line to protect our Police Administration Building located downtown. That day the group of several hundred people remained peaceful, but you could feel the tension in the air and at any moment the protest could turn into a riot.

Hopefully people will think twice about trying to instigate a riot.

Alexander Ayala



Vice President  
Milwaukee Police Association



March 1, 2023

Chair Ron Tusler and Members of the Committee  
Committee on Judiciary  
Wisconsin State Assembly

RE: AB 52 – Carjacking - SUPPORT

Dear Chair Tusler and Members of the Committee:

The National Insurance Crime Bureau (NICB) is a national, century-old, not-for-profit organization supported by approximately 1,200 property and casualty insurance companies, including many who write business in Wisconsin. Working hand-in-hand with our member companies and Wisconsin law enforcement, we help to detect, prevent, and deter insurance crimes, including vehicle theft and carjacking. While NICB provides value to our member companies, we also serve a significant public benefit by helping to stem the estimated billions of dollars in economic harm that insurance crime causes to individual policyholders across the country every year.

Nationally, auto thefts have increased dramatically. In 2021, over 930,000 automobiles were stolen across the United States. This represents a six percent increase over 2020 and a 17 percent increase since 2019. The rise in vehicle thefts in Wisconsin is even higher. In 2021, Wisconsin experienced a 75 percent increase in stolen vehicles compared to 2019. This uptick moved Wisconsin from being ranked 42nd in the nation for auto thefts in 2019 to 25th in the country in 2021. Additionally, the Milwaukee-Waukesha metropolitan statistical area ranked eighth in the nation out of 390 metro regions for vehicle thefts in 2021.

Beyond the loss to an owner and the resulting financial impacts – including in the form of higher insurance premiums for Wisconsin consumers – vehicle thefts often have serious second-order effects on society. For example, vehicles are frequently stolen under violent conditions resulting in physical harm to car owners and other victims. Additionally, organized criminal rings are increasingly stealing cars as an alternative revenue stream as well as to commit other violent crimes.

Assembly Bill 52 reorganizes the carjacking crimes under their own statutory section, and increases the penalty for carjacking from a Class C felony to a Class B felony for using or threatening to use force or a weapon in committing the offense.

**Accordingly, we ask for your support in favor of Assembly Bill 52.**

We thank you for this scheduling a hearing and for considering our views as you deliberate the merits of the bill. If you have any questions or need additional information, please contact me at [hhandler@nicb.org](mailto:hhandler@nicb.org) or 847-544-7083.

Sincerely,

A handwritten signature in blue ink that reads "Howard Handler".

Howard Handler, MPPA  
Senior Director  
Strategy, Policy and Government Affairs

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