



February 28, 2023

To: Chairman Spiros and Members of the Assembly Committee on Criminal
Justice and Public Safety

From: Wisconsin Chiefs of Police Association

Re: Support Assembly Bill 58, Felon Illegal Possession of Firearm

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

We ask for your support of Assembly Bill 58.

The Wisconsin Chiefs of Police Association (WCPA) is always furthering ways to keep our communities safe. Assembly Bill 58 helps in these efforts.

Often, we hear of situations in both Wisconsin and across the nation in which an armed felon commits a heinous crime against a member of the public. These actions make our communities less safe and create an atmosphere in which people do not feel safe. Further exacerbating the situation is that the possession of a firearm are dismissed as part of a plea agreement.

This bill imposes a five-year mandatory minimum term of confinement in prison for a felon who is convicted of illegal possession of a firearm. The WCPA believes this bill helps in our efforts to protect our communities.

The Wisconsin Chiefs of Police Association supports this legislation and asks that the committee move this legislation forward.

We would be happy to take any questions regarding Assembly Bill 58.

AB 51- Differed Action for Childhood Arrivals - appointment of certain lawfully present aliens as law enforcement officers.

The city of Milwaukee has been struggling with recruiting of law enforcement officers like everyone else. In these challenging times for Law Enforcement we welcome all the help that we can get. Our staffing numbers are at the lowest they have ever been combined with record setting crime numbers in homicides, non-fatal shootings and just about every other category.

I was the Milwaukee Police Department's recruiter for about 2 years and one of the saddest things I experienced as a recruiter, was going to a college and talking to someone who wanted to serve as a police officer only to find out they couldn't because they were DACA. These young adults deserve a chance to fulfil their dreams to serve and protect their communities. May I add that this should also be extended to all legal residents that would meet the criteria to become a Law Enforcement Officer in the state of Wisconsin.

AB 55/AB 56 – Reckless Driving Penalties/ Impounding a Vehicle for Reckless Driving Citations

The increase in reckless driving in the city of Milwaukee has affected all who live or visit the City of Milwaukee in one way or another.

Whether it is a simple hit and run, that damages your parked vehicle, to a family from Hartford as they were crossing the street on their way to watch Jurassic World Live at the Fiserv arena, when they were all run over by a reckless driver. Thankfully no one in that family died that night.

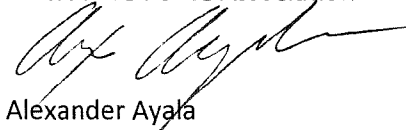
Unfortunately, others have not been that lucky, in fact in 2022, 77 people were not that lucky and sadly died in reckless driving incidents in Milwaukee. This year Milwaukee sits at 12 reckless driving deaths, which is 1 more for YTD. And that is 1 too many. I am certain that the changes that are being proposed will help save a life by towing the vehicles of a reckless drivers.

AB 58- Mandatory minimum sentencing felon in possession of a firearm

In my career of 23 years in law Enforcement I have seen this charge get dismissed hundreds of times when a case gets presented to a district attorney. Especially when other more serious crimes are attached like an armed robbery or a reckless endangering safety (shooting) due to a gun already being used to commit the crimes. This in my opinion is used to simplify the charges or for the case to move forward and to focus at the more serious crimes.

By making this a mandatory sentencing a felon will think twice about carrying a firearm and I hope that a 5 year mandatory sentence will deter the commission of other crimes.

Milwaukee Police Association



Alexander Ayala
Vice President
Local #21, IUPA



President
Andrew F. Wagner

Vice President
Alexander C. Ayala

Secretary/Treasurer
Danilo Cardenas

Trustees
Matthew R. Bongel Lisa M. Kapitz Michael A. Lees Joel A. Moeller

February 27, 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.

Bail Amendments Implementation

We fully support this amendment as we have stated before that a person's violent background be taken in consideration when bail is considered and not just if (1) the person is able to appear in court, (2) protect the community from serious bodily harm, (3) Prevent the intimidation of a witness.

I believe this will make communities safer and hopefully prevent tragic incidents like have seen in the past.



February 28th, 2023

Testimony of Senator James in favor of Assembly Bill 58

Thank you, Chairman Spiros, and other members of the committee for hearing this important legislation. Public safety has been on the top of everyone's minds, and the concern over crimes involving firearms is not new. Illegally possessing a firearm as a previously convicted felon is an issue that has been overlooked in our state. From 2011-2015, three out of every four felons arrested for illegal possession of a gun in Milwaukee County did not go to prison. More than half weren't even convicted. According to a study conducted with data from the California Department of Justice, it is estimated that around 100,000 convicted felons across the nation still own firearms.

Assembly Bill 58 aims to address the gun violence we are facing in the state, by making sure those who illegally possess a firearm serve adequate time for their crime. Currently, a convicted felon is prohibited from owning a firearm, and any person who violates that law is guilty of a Class G felony. Those guilty of committing a Class G felony are subject to a maximum of five years in prison followed by a maximum term of extended supervision of five years. AB 58 would set a mandatory minimum of five years for imprisonment, basically requiring that felons convicted of this offense serve the maximum amount of time allowed under a Class G felony.

In Wisconsin, we have had three cases in the last few months alone where a previously convicted felon was found guilty of illegally possessing a firearm. Two of these individuals only received two years in prison, after being found in possession of firearms after being previously convicted of felony drug charges. The last individual received six years in prison after discharging an illegal firearm in his girlfriend's home because he was attempting to get methamphetamine. According to the [United States Attorney for the Western District of Wisconsin](#), this defendant "spent two months in jail on state charges and, after being released, immediately got more guns." This is the type of incident we are trying to prevent from happening again.

One of the goals is deterrence. If people know that there is a standard penalty for illegally possessing a firearm, they might think twice about doing so. Standardizing the length of confinement makes sentencing consistent. Convicted felons who already know it is illegal for them to own a gun will face the same repercussions. Of course, the overall goal is to have our laws properly enforced and keep our communities safe. Thank you for your time, and I will gladly take any questions.

Respectfully,

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

Senator Jesse James
23rd Senate District
Sen.James@legis.wisconsin.gov



CINDI DUCHOW

STATE REPRESENTATIVE • 99th ASSEMBLY DISTRICT

(608) 266-3007
Toll-Free (888) 534-0099

Rep.Duchow@legis.wi.gov
RepDuchow.com
P.O. Box 8952
Madison, WI 53708-8952

Assembly Committee on
Criminal Justice and Public Safety
Testimony on 2023 AB 58
February 28, 2023

Thank you Chairman Spiros and members of the Committee for this opportunity to testify on Assembly Bill 58, which would impose a five year mandatory minimum prison sentence for felons in possession of a firearm. I'd like to extend my thanks to Rep. Michalski and Sen. James for bringing this legislation forward.

Currently, a felon in possession charge is a Class G felony, punishable by up to 5 years in prison and 5 years of extended supervision. There is no mandatory minimum sentence. For years, prosecutors, judges, and defense attorneys around the nation and right here in Wisconsin have dropped these charges as part of a plea bargain.

According to a Fox6News report in 2016, four out of five felons convicted of gun possession in Milwaukee County still don't get three years or more in prison. From 2011 to 2015, police referred 3,637 gun possession cases to the Milwaukee County District Attorneys office, but charges were never filed in 37% of them.

The Legislature did not create this crime in statutes so it could be negotiated away. The point of the law is to deter felons from victimizing more people, and appropriately punish those who do.

Some might say that mandatory minimums can limit a prosecutor's ability to negotiate a plea deal with a defendant, as the prosecutor may not have the discretion to offer a lesser sentence in exchange for a guilty plea. This can lead to more cases going to trial, which can be more time-consuming and expensive for both the prosecution and defense, or as some might say, "clogging the courts."

The alternative viewpoint is that mandatory minimums can give prosecutors leverage in negotiations, as they can use the threat of a lengthy mandatory minimum sentence to encourage a defendant to plead guilty and accept a lesser sentence. While some may argue mandatory minimums are too harsh, they can lead to more efficient and just outcomes. This is not "clogging the courts." This is making sure criminals with guns are not roaming our streets ought to be a high priority in any community.

I urge you to support mandatory minimum sentencing for felons who commit crimes with firearms. This is not only about punishing criminals, but it is also about protecting our communities by preventing future crimes. Thank you.



THOMAS A. MICHALSKI

STATE REPRESENTATIVE • 13TH ASSEMBLY DISTRICT

(608) 267-9113
Toll-Free: (888) 534-0013
Rep.Michalski@legis.wisconsin.gov

P.O. Box 8953
Madison, WI 53708-8953

February 28th, 2023

Testimony of Representative Tom Michalski in favor of Assembly Bill 58

Thank you to Chairman Spiros and committee members for hearing Assembly Bill 58, related to a five year mandatory minimum for felons carrying firearms.

For far too long, we have ignored the dangers of allowing convicted felons to carry firearms without guaranteed repercussions. This legislation is an essential part of the puzzle allowing us to be tough on crime. It will make our communities safer by reducing gun violence at the hands of convicted felons.

We have numerous situations where judges have ignored or chosen not to address the fact that the convicted felon they are sentencing was in possession of a firearm. In Milwaukee County alone, over 3,500 gun possession cases were sent to the DA's office from 2011-2015. 37% of these never had charges filed. According to an August 2022 report from the DOJ, there were about 950 felons arrested with a firearm in 2021, with barely more than 250 charged. This poses an unacceptable risk to the law-abiding citizens of Wisconsin.

This bill would require a minimum sentence of five years in prison for any convicted felon charged with possessing a firearm- the same as the minimum federal standard. This is in stark contrast to the current Wisconsin standard, which provides a class G felony, but no mandatory sentencing whatsoever, and sets a maximum of five years in prison along with a potential five years of extended supervision. The new legislation would continue the extended supervision, but enforce a minimum required prison sentence.

To act as a deterrent, penalties should acknowledge the severity of the infraction and be consistently applied. No penalty is an indication of our lack of concern. An Individual knows they are a felon; they also need to know that we are serious about making our communities safer and that they risk years of their life in jail if they choose to carry a firearm. It's time we took this simple and practical step to reduce gun violence in our communities.

Thank you for your time today, and if anyone has questions, I will gladly answer them.

A handwritten signature in black ink, reading "Thomas A. Michalski". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Thomas A. Michalski
State Representative
13th Assembly District