

Testimony on Senate Bill 76

Good Morning Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety, and thank you for allowing me to share my testimony regarding Senate Bill 76 (SB 76). This bipartisan bill begins to address a worrisome trend we are seeing both nationally and here in Wisconsin: carjacking.



John Spiros
State Representative • 86th Assembly District

The statistics we often hear in the news are truly astounding: carjackings in major cities across the country 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%.

March 7, 2023

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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.

Senate Bill 76 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 SB 76 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 Senate Bill 76. I urge you to support this bipartisan bill and I look forward to answering any questions you may have.



Wisconsin State Lodge *Fraternal Order of Police*



PO Box 206 West Bend, WI 53095

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Jerry Johnson
National Trustee

March 7, 2023

Wisconsin Fraternal Order of Police Testimony in Support of Senate Bill 76

Senate Committee on Judiciary and Public Safety

Thank you, Senator Wanggaard and fellow committee members for the opportunity to provide testimony in support of Senate Bill 76. My name is Ryan Windorff, and I am the 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.

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.

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 8th in the country for vehicle thefts in 2021, up from 66th 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.



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Senate Bill 76 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.

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



March 7th, 2023

Senator Wanggaard, Chair

Senator Jacque, Vice-Chair

Members of the Senate Committee on Judiciary and Public Safety

Testimony on 2023 Senate Bill 76

Relating to: reorganizing the crimes commonly known as "carjacking" and providing a penalty

Thank you, Chairman Wanggaard and other members of the committee, for hearing my testimony on Senate Bill 76 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.

Senate Bill 76 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

23rd Senate District

Sen.James@legis.wisconsin.gov



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March 7, 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 4 weeks ago we lost a Milwaukee police officer one of our brothers in blue to the criminals that are running the streets of Milwaukee. In 2022 we saw record high 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.

SB 76- Carjacking

We are in support of having a concise definition and a standalone statute that can categorized and define this very common and specific crime. This will also be helpful when presenting charges to a district attorney and it will show that 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 statistics or the taking a vehicle without 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 a trail of victim's that is left behind. It has been my experience as a Detective that suspects will use the carjacked vehicle to commit several robberies and commit other violent crimes.

SB 75- Constitutional Amendment relating to conditions of release.

Senate bill 75 will solidify what the citizens of Wisconsin have voted on to change. Over my 23-year career I have seen multiple incidents of offenders who are out on bail continue to reoffend. This Constitutional change will finally be able to consider the totality of the offender's crime, their past record and the duty government has to protect the public from these violent offenders.

This amendment and bill will begin to balance the scales of the victims' rights to feel safe. This bill does not just have the opportunity to prevent some of the high-profile murder cases that we have seen such as the Waukesha parade massacre. It also has the opportunity to prevent Domestic Violence Offenders from being allowed to constantly harass their victims.

In my experience I have seen numerous incidents where Domestic Violence Offenders were able to obtain very low bail just to get out and continue to harass and victimize their abuser into not cooperating with the prosecutorial process. This bill will allow judges to take those actions into consideration when setting bail. This will hopefully prevent future acts of Domestic Violence from accruing including up to homicide.

The Milwaukee Police Association believes this is common sense legislation and is long overdue to begin to protect the public from repeat offenders. We are proud to support Senate Bill 7

Sincerely,

Milwaukee Police Association

A handwritten signature in black ink, appearing to read 'Alexander Ayala', written in a cursive style.

Alexander Ayala
Vice President
Local #21, IUPA