



CODY HORLACHER

STATE REPRESENTATIVE • 33RD ASSEMBLY DISTRICT

(608) 266-5715
Toll-Free: (888) 529-0033
Rep.Horlacher@legis.wi.gov

P.O. Box 8952
Madison, WI 53708-8952

Date: January 14th, 2016

To: Assembly Committee on Criminal Justice and Public Safety

From: Representative Cody Horlacher

Re: Assembly Bill 403-Increasing prison terms upon conviction for gang-related crimes and creating a criminal penalty

Chairman Kleefisch and Committee Members,

Thank you for holding a public hearing on AB 403, creating an enhancer on sentencing for criminal gang activity. This bill was introduced at the request of members of law enforcement and was passed out of the Senate Committee on Judiciary and Public Safety.

I have had the opportunity to talk to members of law enforcement, specifically the gang unit, in Walworth County and discussed various issues relating to criminal gangs. These gangs have a negative impact on our community. Drug-running, battery/assault, homicide, and theft are just some of the many hazardous activities that gangs engage in and perpetuate throughout the community. The structured nature of gangs and the organized way in which they engage in criminal activity makes the crimes they commit much more devastating than those committed on an individual basis. This bill helps to address some of the problems we are encountering across the state when it comes to gang activity. The increase in gang activity, not only in my district but across the state, means that we must act.

This bill allows prosecutors the option to add an enhancer when charging a crime. If utilized this enhancer will not increase a misdemeanor to a felony but could increase a misdemeanor by up to 6 months. Additionally, Class A-D felonies could be increased up to 5 years, Class E-G felonies could be increased up to 4 years, and Class H or I felonies could be increased up to 3 years. Once again it is important to note that prosecutors have the option to utilize this option when charging, they are not required to do so.

I want to underscore the fact that this enhancer can only be used when the underlying crime was committed for the benefit of, at the direction of, or in association with any criminal gang, with the specific intent to promote, further, or assist in any criminal conduct by criminal gang members.

I ask for your support of AB 403. This legislation is just one step in the right direction to stem the influx of criminal gang activity occurring across our state. Thank you for your time and I welcome any questions you may have.