



# Tod Ohnstad

STATE REPRESENTATIVE

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To: Senate Committee on Judiciary and Public Safety  
From: Representative Tod Ohnstad  
Date: September 1, 2015  
Subject: Testimony in Support of Senate Bill 230, relating to providing an exemption from civil liability for forcibly entering a vehicle under certain circumstances

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Chairman Wanggaard and members of the Senate Judiciary and Public Safety Committee:

Thank you for taking the time to hear testimony on Senate Bill 230, which would provide an exemption from civil liability for forcibly entering a vehicle under certain circumstances.

As summer has come to a close, now is a good time to reflect on a particular danger faced by vulnerable adults, children, and pets during hot summer days. We have been fortunate this summer not to have experienced many 90+ degree days thus far. However, the danger of being stuck in a hot car is still very real on more mild summer days. According to Ready Wisconsin, the temperature inside a car even with the windows cracked a little can reach 100 degrees in less than ten minutes on an 80 degree day.

Such hot temperatures present a real, but often forgotten, danger for many individuals throughout our communities. Indeed, the statistics bear out just how dangerous it can be for an individual to be left in a hot car, particularly if a child is strapped into a carseat or unable to open a car on their own. In 2013, 44 children died of heatstroke in cars. In 2014, 32 children died for the same reason. Thirteen children nationwide have died already this year due to being stuck inside a hot car.

Thankfully, none of these deaths have occurred in Wisconsin. But I'm sure you would agree this is still thirteen deaths too many. And the scary thing is, forgetting to get everyone out of the car can happen to anyone. All it takes is one time being forgetful.

At the urging of the Kenosha City Council, I have authored Assembly Bill 308, which aims to address the danger of hot cars. Joined by Representative Kerkman and Senator Wirch, along with several other colleagues from both houses and both sides of the political aisle, I believe SB 230 would be a solid step forward in ensuring hot car deaths do not happen here in Wisconsin. SB 230 would make clear a Good Samaritan who steps in to rescue a vulnerable individual or pet from a dangerously hot car need not risk civil liability for acting courageously. It is common sense, yet necessary legislation.

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65th ASSEMBLY DISTRICT



To better prevent these deaths from happening here in Wisconsin, this bill would provide protection to Good Samaritans who break into a parked car to save a trapped child, vulnerable adult, or pet. In order to qualify for Good Samaritan protection under this law, the person rescuing the individual or animal must do several things:

1. Reasonably believe the person or domestic animal in the car will suffer imminent bodily harm;
2. Determine there is no way to enter the vehicle without force;
3. Use only the force necessary to remove the person or animal from the vehicle;
4. Dial "911" or otherwise summon emergency or law enforcement assistance before the forcible entry;
5. Remain with the person or animal until a law enforcement officer or other first responder arrives; and
6. Leave his or her name and contact information at the scene.

We believe these requirements balance the importance of the lives of those inside of a parked car as well as the car owner by protecting the life and safety of those stuck inside dangerously hot cars specifically while ensuring the law is only used when absolutely necessary.

Thank you again for your time and attention to SB 230. I would be happy to answer any questions the Committee might have.



**TO: Senate Committee on Judiciary and Public Safety**

**FROM: Nicole Vesely, Safe Kids WI Madison Area Coordinator, American Family Children's Hospital & Libbe Slavin, Safe Kids WI Coordinator, Children's Hospital of Wisconsin**

**DATE: Tuesday, September 1, 2015**

**RE: Support for SB 230 – providing an exemption from civil liability for forcibly entering a vehicle under certain circumstances**

Good afternoon Chairman Wanggaard and members of the committee. Thank you for allowing me this opportunity to testify today on behalf of our support for SB 230. My name is Nicole Vesely and I am the Safe Kids WI Madison Area Coordinator and I'm presenting today on behalf of myself and Libbe Slavin, of Safe Kids Wisconsin and Children's Hospital of Wisconsin.

Safe Kids Wisconsin is led by Children's Hospital of Wisconsin to achieve our common goal of keeping Wisconsin kids safe by preventing unintentional injuries. As the lead agency for Safe Kids, Children's Hospital joins me today in submitting testimony in support of SB 230. Around the world, a child dies from an unintentional injury every 30 seconds.

SB 230 creates an exemption from civil liability for property damage or personal injury resulting from an individual forcibly entering a vehicle in order to save a child or pet if the person reasonably believed that the animal or child was suffering or would suffer imminent bodily harm. Safe Kids WI and Children's Hospital applaud Senator Wirch and Representative Ohnstad for bringing forward this bill. Children's Hospital and Safe Kids WI strongly supports this legislation.

Heatstroke deaths have been recorded in 11 months of the year in nearly all 50 states. In Michigan, on September 3<sup>rd</sup>, 2013, with an outside temperature of just 73 degrees, a child was found strapped to his child seat. He was dead for several hours before he was discovered.

53% of children who die of heatstroke when left unattended in a vehicle were forgotten by their caregiver. 29% died while playing unattended in a vehicle and 17% died when intentionally left in the vehicle by an adult.

In 2013, 44 children died. In 2014 30 children died. So far this year 15 children have died.

Temperatures inside a car can rise more than 20 degrees in only 10 minutes. Studies have shown that cracking a window does not lower the temperature inside the car to any significant degree.

**Safe Kids campaigns to encourage everyone to ACT:**

**A: Avoid heatstroke-related injury and death by never leaving your child alone in a car**

**C: Create reminders; place something you'll need at the next stop next to the child**

**T: Take action – if you see a child alone in a car, take action to prevent injury to a child**

These types of tragedies can happen to anyone, and most of the cases are to loving, caring parents. It's easy to become distracted when you are a new parent and are sleep-deprived or when your routine is disrupted. Data has shown that heatstroke tragedies happen more often when the daily routine is changed.

We hope you will support this important legislation aimed at preventing more needless deaths. This bill presents a critical preventative measure that would save children.

Chairman Wanggaard and committee members, we thank you again for the opportunity to share testimony behalf of Children's Hospital of Wisconsin along with Safe Kids WI in support of SB 230. Please feel free to contact us with any follow up questions at [NVesely@uwhealth.org](mailto:NVesely@uwhealth.org) or [LSlavin@chw.org](mailto:LSlavin@chw.org).





**TO: Senate Committee on Judiciary and Public Safety**

**FROM: Dr. Marc Gorelick, Executive Vice President, Children's Hospital of Wisconsin, and Dr. Michael Gutzeit, Chief Medical Officer, Children's Hospital of Wisconsin**

**DATE: Tuesday, September 1, 2015**

**RE: Supporting SB 230 – providing an exemption from civil liability for forcibly entering a vehicle under certain circumstances**

Good afternoon Chairman Wanggaard and members of the committee. We are sorry we are unable to attend in person, but pleased with the opportunity to provide written testimony in support of SB 230 along with Safe Kids WI. We are Dr. Marc Gorelick, Executive Vice President of Children's Hospital of Wisconsin, and Dr. Michael Gutzeit, Chief Medical Officer for Children's Hospital of Wisconsin.

Children's Hospital of Wisconsin serves children from every county in the state. We have inpatient hospitals in Milwaukee and the Fox Valley. We care for every part of a child's health, from critical care at one of our hospitals to routine checkups in our primary care clinics. Children's also provides specialty care, urgent care, emergency care, school health nurses, Foster care and adoption services, family resource centers, child health advocacy, health education, pediatric medical research and the statewide poison hotline.

SB 230 creates an exemption from civil liability for property damage or personal injury resulting from an individual forcibly entering a vehicle in order to save a child or pet if the person reasonably believed that the animal or child was suffering or would suffer imminent bodily harm. I would like to thank Senator Wirch and Representative Ohnstad for bringing forward this bill and Children's Hospital and Safe Kids WI strongly supports this legislation.

636 children have died from heatstroke when left unattended in a vehicle since 1998. On average, 38 children die each year from being left unattended in a vehicle. Just this year 14 children have died. A child's body heats up three to five times faster than an adult's body. Often heatstroke deaths occur when a distracted caregiver forgets a child in their vehicle. Over half of the heatstroke deaths have occurred this way. Children have not yet fully developed the ability to regulate their body temperature, and therefore extreme temperatures affect them more quickly. Symptoms can quickly progress from flushed, dry skin and vomiting to seizures, organ failure and death.

These deaths do not just occur in warm states or during the hot months of the summer. Because children are less able to regulate their body temperature than adults, children can quickly develop a dangerously low body temperature in colder weather. Newborn infants are prone to hypothermia because of their large body surface area, small amount of subcutaneous fat, and decreased ability to shiver. Severe temperatures can quickly result in dangerous symptoms and death.

We hope you will support SB 230 as it presents a critical preventative measure aimed at saving the lives of children.

Chairman Wanggaard and committee members, we thank you again for the opportunity to submit written testimony behalf of Children's Hospital of Wisconsin along with Safe Kids WI in support of SB 230. Please feel free to contact us with any follow up questions at [MGutzeit@chw.org](mailto:MGutzeit@chw.org) or [MGorelick@chw.org](mailto:MGorelick@chw.org).



August 27, 2015

Representative Gannon

Senator Stroebel

Regarding SB230 and AB308 – relating to providing an exemption from civil liability for forcibly entering a vehicle under certain circumstances.

Good Morning,

I am unable to attend the public hearing on September 1<sup>st</sup> in regard to SB 230. I wish my thoughts and concerns heard on these bills.

I have trained and owned dogs for over 20 years and I have many friends that are into the training and showing of dogs. I am former law enforcement and I am currently a certified humane officer. For the people portion of this bill(s), it sounds fine. However, in regard to exemptions to civil liability for forcibly entering a vehicle that has animals there are several concerns.

People have varying ideas on what is a good and bad temperament, as it pertains to animals, and dog breeds in particular. What is good for one breed may be fine for another within reason. However these bills give people protection for breaking into a vehicle based on their perception, not what is right or wrong and gives the bill to the person whose vehicle must now be repaired.

What if there is just a crate in the vehicle, but no animal? Who is responsible for the damage? I'm sure they aren't going to leave a note. What if other items go missing or stolen during this extraction? Individuals that carry concealed but need to leave their guns in the car, for example, because they aren't able to carry in certain buildings.

Dog theft is on the rise, there is a shortage of animals. Who is to say that the person breaking into a vehicle is doing it for the sake of the animal? The individual may say they are concerned for the dog; they will break in, take the dog and who is going to be the wiser? Will the person (any person) realize that there is more to it, such as calling 911, leaving a note? I'm guessing probably not. The dog can't tell them to leave a note, call their owner or even call 911.

What about the law enforcement dogs that have died in specially equipped vehicles? People are just as upset over those dogs dying, when the dogs actually had air conditioning units that failed. Should people break into law enforcement vehicles? Those trained dogs might not take kindly to individuals breaking into their vehicles.

What about the fact that someone breaking into the vehicle might not have a leash? What if the dog escapes and gets hit by a car? What if the dog bites the individual that broke into their vehicle?

While both children and animals need protection from serious harm, this bill is not worded sufficiently to protect the animals, nor their owners.

My suggestion is to amend and remove the animal portion from this bill until some wording that works is put together. Or, amend the bill and put in that if an animal is removed from the vehicle, the person MUST stay with the vehicle until law enforcement arrives and takes possession. If the person(s) LEAVES they will be charged with theft from vehicle (Chapter 943.11) and dognapping (Chapter 951.03).

Some individuals may argue that the dog might need medical attention and want to take it to an emergency clinic. However, in the amount of time that would take, the owner could come back to the vehicle. Many animals may have no problem with a vet visit. However, many dogs could suffer from allergies or health conditions that may be exacerbated by a treatment from a veterinarian who would be unfamiliar with this dog or its history.

Just the removal from the vehicle may be all that is required. Law enforcement can determine and track the animal from there as then the dog is evidence. Law Enforcement can check the registration of the vehicle and at least know whose vehicle the dog was in and investigate further.

Thank you for your help in getting this bill modified as the dog owners, and dogs who like to ride with their owners, are counting on you to protect them from unintended consequences.

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