



## MEMORANDUM

**TO:** Honorable Members of the Assembly Committee on Criminal Justice and Public Safety

**FROM:** Marcie Rainbolt, Government Affairs Associate

**DATE:** January 30, 2020

**SUBJECT:** Opposition to Assembly Bill 807

Assembly Bill (AB) 807 would impose a 180-day mandatory minimum jail sentence for an individual who has committed the crime of theft for a third time. The Wisconsin Counties Association (WCA) is opposed to any legislation that imposes a mandatory minimum jail sentence.

Since 2000, at least 29 states have passed legislation to repeal mandatory minimum sentences according to the National Institute of Corrections. These laws are flawed for many reasons including that mandatory minimums remove the ability of a judge to make sentencing decisions based on situational information and the individual circumstances of the defendant. In fact, the trend across the states is to restore discretion to judges at sentencing in place of mandatory minimum requirements.

AB 807 will not solve underlying reasons (i.e. drug or other substance abuse issues) why an individual could be committing retail theft. If they are suffering from substance abuse the individual is likely better served through a drug court and other treatment alternatives instead of incarceration. The judge would not be allowed to consider these options and provide leniency on a case-by-case basis.

Finally, requiring a mandatory minimum jail sentence of 180-days will put our county jails in a difficult fiscal position without additional resources from the state. County jails will likely reach maximum capacity and be overcrowded. Counties are consistently asked to do more with no additional resources and passage of AB 807 would contribute to this growing fiscal problem.

WCA respectfully requests that the committee further study the requirement of mandatory minimums for a non-violent, third-time retail theft. If the committee believes this is the best public policy, we request that the legislation include additional funds for counties.