



## 2011 SENATE BILL 473

February 14, 2012 – Introduced by Senators COWLES and LASSA, cosponsored by Representatives STEINEKE, PETRYK, JACQUE, SEVERSON, NYGREN, WYNN, LITJENS, BERNARD SCHABER, RIVARD, T. LARSON, TRANEL, MARKLEIN, A. OTT, SPANBAUER, ZIEGELBAUER, STROEBEL, BERNIER, KERKMAN, ENDSLEY and BIES. Referred to Committee on Labor, Public Safety, and Urban Affairs.

1     **AN ACT** *to repeal* 939.74 (2d) (b); *to renumber and amend* 939.74 (2) (a); *to*  
2           *amend* 939.74 (2d) (c); and *to create* 939.74 (2) (a) 2. of the statutes; **relating**  
3           **to:** statute of limitations for first-degree sexual assault, attempted homicide,  
4           and attempted first-degree sexual assault.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, with exceptions, a prosecution for a felony must be commenced within six years of the commission of the felony. Under current law, exceptions include first-degree intentional homicide, second-degree intentional homicide, and first-degree sexual assault of a child; prosecution for these crimes may be commenced at any time. Under this bill, first-degree sexual assault of an adult is added to the exceptions so that a prosecution for this offense may be commenced at any time. Also, under the bill, prosecution for attempts to commit first-degree intentional homicide, second-degree intentional homicide, and first-degree sexual assault of an adult or a child may occur at any time.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SENATE BILL 473****SECTION 1**

1           **SECTION 1.** 939.74 (2) (a) of the statutes is renumbered 939.74 (2) (a) 1. and  
2 amended to read:

3           939.74 **(2)** (a) 1. A prosecution under s. 940.01, 940.02, 940.03, 940.05, 940.225  
4 (1), 948.02 (1), or 948.025 (1) (a), (b), (c), or (d) may be commenced at any time.

5           **SECTION 2.** 939.74 (2) (a) 2. of the statutes is created to read:

6           939.74 **(2)** (a) 2. A prosecution for an attempt to commit a violation of s. 940.01,  
7 940.05, 940.225 (1), or 948.02 (1) may be commenced at any time.

8           **SECTION 3.** 939.74 (2d) (b) of the statutes is repealed.

9           **SECTION 4.** 939.74 (2d) (c) of the statutes is amended to read:

10          939.74 **(2d)** (c) If, before the applicable time limitation under sub. (1) or (2)  
11 (am), (c), (cm), or (d) for commencing prosecution of a felony under ch. 940 or 948,  
12 other than ~~a felony under s. 940.225 (1) or a felony specified in sub. (2) (a)~~, expires,  
13 the state collects biological material that is evidence of the identity of the person who  
14 committed the felony, identifies a deoxyribonucleic acid profile from the biological  
15 material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid  
16 profiles of known persons, the state may commence prosecution of the person who  
17 is the source of the biological material for the felony or a crime that is related to the  
18 felony or both within 12 months after comparison of the deoxyribonucleic acid profile  
19 relating to the felony results in a probable identification of the person or within the  
20 applicable time under sub. (1) or (2), whichever is latest.

21          **SECTION 5. Initial applicability.**

22          (1) Notwithstanding section 990.06 of the statutes, this act first applies to an  
23 act for which the time limit under section 939.74 (1) of the statutes for prosecution  
24 has not expired as of the effective date of this subsection.

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(END)