



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0072/1
CMH:cde

2021 SENATE BILL 787

December 17, 2021 - Introduced by Senator JACQUE, cosponsored by Representatives WICHGERS, BRANDTJEN, MURPHY, SNODGRASS, SPREITZER and MILROY. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to amend** 939.74 (2) (ar) and 939.74 (2d) (c); and **to create** 939.74 (2) (ah)
2 of the statutes; **relating to:** statute of limitations for second-degree sexual
3 assault.

Analysis by the Legislative Reference Bureau

Current law limits the time a prosecutor has to file a criminal complaint against a person or be barred, commonly called a statute of limitation. The limit varies by the nature and severity of the crime; for instance, for most felonies the limit is six years but there is no limit for homicide or first-degree sexual assault. Under current law, a criminal complaint for second-degree sexual assault must be filed within 10 years after the assault. This bill extends the period so that a criminal complaint for second-degree sexual assault must be filed within 20 years after the assault.

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

4 **SECTION 1.** 939.74 (2) (ah) of the statutes is created to read:
5 939.74 (2) (ah) A prosecution for a violation of s. 940.225 (2) may be commenced
6 within 20 years after the commission of the violation.

7 **SECTION 2.** 939.74 (2) (ar) of the statutes is amended to read:

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SECTION 2

1 939.74 **(2)** (ar) A prosecution for a violation of s. 940.225 ~~(2) or (3)~~ may be
2 commenced within 10 years after the commission of the violation.

3 **SECTION 3.** 939.74 (2d) (c) of the statutes is amended to read:

4 939.74 **(2d)** (c) If, before the applicable time limitation under sub. (1) or (2) (ah),
5 (am), (ar), (c), or (cm) for commencing prosecution of a felony under ch. 940 or 948,
6 other than a felony specified in sub. (2) (a), expires, the state collects biological
7 material that is evidence of the identity of the person who committed the felony,
8 identifies a deoxyribonucleic acid profile from the biological material, and compares
9 the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons,
10 the state may commence prosecution of the person who is the source of the biological
11 material for the felony or a crime that is related to the felony or both within 12
12 months after comparison of the deoxyribonucleic acid profile relating to the felony
13 results in a probable identification of the person or within the applicable time under
14 sub. (1) or (2), whichever is latest.

15 **SECTION 4. Initial applicability.**

16 (1) Notwithstanding s. 990.06, this act first applies to an act for which the time
17 limit under s. 939.74 (2) for prosecution has not expired as of the effective date of this
18 subsection.

19 **(END)**