

2015 Senate Bill 170 (LRB -2128)

An Act to amend 939.74 (2d) (c); and to create 939.74 (2) (ar) of the statutes; relating to: statute of limitations for second-degree or third-degree sexual assault.

2015

05-21. S. Introduced by Senators **LeMahieu, Lassa, Harris Dodd, Marklein and Olsen**; cosponsored by Representatives **Kerkman, Goyke, Berceau, Bowen, E. Brooks, Edming, Genrich, Horlacher, Jacque, Johnson, Kahl, Krug, Kulp, T. Larson, Murphy, Mursau, Ohnstad, A. Ott, Quinn, Rohrkaste, Sargent, Sinicki, Spiros, Spreitzer, Subeck, C. Taylor, Thiesfeldt, Tittl, Zamarripa and Kremer**. 240

05-21. S. Read first time and referred to Committee on Judiciary and Public Safety 240

09-28. S. Representative Heaton added as a cosponsor 431

10-01. S. Public hearing held

10-22. S. Executive action taken

10-23. S. Report passage recommended by Committee on Judiciary and Public Safety, Ayes 5, Noes 0 482

10-23. S. Available for scheduling

11-05. S. Placed on calendar 11-6-2015 pursuant to Senate Rule 18(1) 509

11-05. S. Senator C. Larson added as a coauthor 508

11-06. S. Read a second time 514

11-06. S. Ordered to a third reading 514

11-06. S. Rules suspended 514

11-06. S. Read a third time and **passed** 514

11-06. S. Ordered immediately messaged 516

11-09. A. Received from Senate 406

11-13. A. Referred to calendar of 11-16-2015 pursuant to Assembly Rule 93 415

11-16. A. Read a second time

11-16. A. Ordered to a third reading

11-16. A. Rules suspended

11-16. A. Read a third time and **concurred in**, Ayes 91, Noes 1

11-16. A. Representative Meyers added as a cosponsor

11-16. A. Ordered immediately messaged

11-17. S. Received from Assembly concurred in

**2015
ENROLLED BILL**

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ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

15-2128 / 11

Amendments to above (if none, write "NONE"): NONE

Corrections - show date (if none, write "NONE"): NONE

Topic REMAINING CLASS

11/17/15
Date

Carole
Enrolling Drafter



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2128/1
CMH:emw

2015 SENATE BILL 170

May 21, 2015 – Introduced by Senators LEMAHIEU, LASSA, HARRIS DODD, MARKLEIN and OLSEN, cosponsored by Representatives KERKMAN, GOYKE, BERCEAU, BOWEN, E. BROOKS, EDMING, GENRICH, HORLACHER, JACQUE, JOHNSON, KAHL, KRUG, KULP, T. LARSON, MURPHY, MURSAU, OHNSTAD, A. OTT, QUINN, ROHRKASTE, SARGENT, SINICKI, SPIROS, SPREITZER, SUBECK, C. TAYLOR, THIESFELDT, TITTL, ZAMARRIPA and KREMER. Referred to Committee on Judiciary and Public Safety.

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

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 this bill, a prosecution for second-degree or third-degree sexual assault must be commenced within ten years of the commission of the felony.

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

4 **SECTION 1.** 939.74 (2) (ar) of the statutes is created to read:
5 939.74 (2) (ar) A prosecution for a violation of s. 940.225 (2) or (3) may be
6 commenced within 10 years after the commission of the violation.
7 **SECTION 2.** 939.74 (2d) (c) of the statutes is amended to read:
8 939.74 (2d) (c) If, before the applicable time limitation under sub. (1) or (2)
9 (am), (ar), (c), or (cm) for commencing prosecution of a felony under ch. 940 or 948,

SENATE BILL 170**SECTION 2**

1 other than a felony specified in sub. (2) (a), expires, the state collects biological
2 material that is evidence of the identity of the person who committed the felony,
3 identifies a deoxyribonucleic acid profile from the biological material, and compares
4 the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons,
5 the state may commence prosecution of the person who is the source of the biological
6 material for the felony or a crime that is related to the felony or both within 12
7 months after comparison of the deoxyribonucleic acid profile relating to the felony
8 results in a probable identification of the person or within the applicable time under
9 sub. (1) or (2), whichever is latest.

10 **SECTION 3. Initial applicability.**

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

14 (END)