



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,

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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)