

2015 DRAFTING REQUEST

Bill

Received: 4/1/2015 Received By: chanaman
Wanted: As time permits Same as LRB: -2350
For: Devin LeMahieu (608) 266-2056 By/Representing: Zach or Luke
May Contact: Drafter: chanaman
Subject: Criminal Law - procedure Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.LeMahieu@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Increase statute of limitations for second- and third-degree sexual assault

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 4/28/2015	kfollett 4/28/2015		_____	sbasford 4/2/2015		
/1				_____	mbarman 4/28/2015	mbarman 5/15/2015	

FE Sent For:

*None
Needed*

<END>

Hanaman, Cathlene

From: Bemis, Zach
Sent: Wednesday, April 01, 2015 3:08 PM
To: Hanaman, Cathlene
Cc: Petrovich, Luke
Subject: Drafting Request

Hi Cathlene,

We'd like to submit a drafting request for a bill modifying the statute of limitations for 2nd and 3rd degree sexual assault. We'd like to increase the statute of limitations for these crimes from 6 to 10 years.

Contact me or Luke with any questions you might have.

Thanks,

Zach Bemis
Chief of Staff
Senator Devin LeMahieu
608-266-2056
zach.bemis@legis.wi.gov



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2128/P1

CMH:.....

emw

Thus if possible 1/2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Request sheet updated

S.A. ✓
X-ref ✓

1 **AN ACT** ^{Gen.} **relating to:** statute of limitations for second-degree or third-degree
2 sexual 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:

3 **SECTION 1.** ^X 939.74 (2) (ar) of the statutes is created to read:

4 939.74 (2) (ar) A prosecution for a violation of s. 940.225 (2) ✓ or (3) may be
5 commenced within 10 years after the commission of the violation.

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

7 939.74 (2d) (c) If, before the applicable time limitation under sub. (1) or (2)
8 (am), (ar) ✓, (c), or (cm) for commencing prosecution of a felony under ch. 940 or 948,

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.

Initial applicability ← Change component
 History: 1981 c. 280; 1985 a. 275; 1987 a. 332, 380, 399, 403; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237; 2001 a. 16, 109; 2003 a. 196, 279, 326; 2005 a. 60, 276, 277; 2007 a. 80, 97, 116; 2009 a. 203; 2011 a. 271, 282; 2013 a. 165, 167.

10

SECTION 3. Nonstatutory provisions.

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)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2128/P1
CMH:emw:ew

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No change

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,

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)

Barman, Mike

From: Petrovich, Luke
Sent: Friday, May 15, 2015 8:53 AM
To: LRB.Legal
Subject: Draft Review: LRB -2128/1 Topic: Increase statute of limitations for second- and third-degree sexual assault

Please Jacket LRB -2128/1 for the SENATE.