



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 276
[2005 Assembly Bill 47]

**Time Limits on Prosecution for
Certain Sex Offense Crimes**

2005 Wisconsin Act 276 expands the statutes of limitation for prosecutions of first-degree sexual assault of a child and first-degree sexual assault for which the state collects DNA evidence.

Under *prior law*, a prosecution for first-degree sexual assault of a child was required to be commenced at any time before the victim reached the age of 45 years. A prosecution for first-degree sexual assault was required to be commenced within six years of the commission of the offense. However, the deadline for a prosecution of first-degree sexual assault of a child or first-degree sexual assault did not apply if, before the time limitation for prosecution expired, the state collected biological material that was evidence of the identity of the person who committed the violation, the state identified the DNA profile from the biological material, and comparisons of that DNA profile to DNA profiles of known persons did not result in a probable identification of the person who is the source of the biological material. In that case, a prosecution may be commenced within 12 months after comparison of the DNA profile results in probable identification of the perpetrator.

The Act provides that there is no statute of limitation for a prosecution for first-degree sexual assault of a child. In addition, for prosecutions of first-degree sexual assault for which the state collects DNA evidence, as described above, a prosecution may be commenced at any time after the analysis of DNA evidence identifies a probable perpetrator.

Effective Date: Act 276 takes effect on April 20, 2006 and first applies to any offense for which the statute of limitations has not expired on the effective date.

Prepared by: Anne Sappenfield, Senior Staff Attorney

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.