



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 489	Assembly Substitute Amendment 1
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Current law provides that prosecution for a felony must generally be commenced within six years after the offense is committed. There are longer statutes of limitation for certain homicide and sex crimes and certain crimes against children. Also under current law, a prosecution for first- or second-degree sexual assault, first- or second-degree sexual assault of a child or repeated acts of sexual assault of the same child may be commenced within 12 months of identifying the alleged perpetrator through DNA analysis. In order to use this provision, before the statute of limitation for the offense expired: (1) the state must have collected biological material that is evidence of the person who committed the violation; (2) the state must have identified a DNA profile from the biological material; and (3) comparisons of the DNA profile to the DNA profiles of known persons have not resulted in a probable identification of the person.

Assembly Bill 489 provides that a prosecution for a felony may be commenced at any time if, while committing the offense, biological material that is evidence of the identity of the offender is left on the victim, on clothing worn by the victim, or on any object located at any place at which the offense is committed.

Assembly Substitute Amendment 1 provides that a prosecution for a felony against life or bodily security under ch. 940, Stats., or a felony that is a crime against a child under ch. 948, Stats., may be commenced within 12 months of identifying the alleged perpetrator through his or her DNA profile, as provided under current law for certain sex crimes.

Legislative History

The Assembly Committee on Criminal Justice and Homeland Security offered Assembly Substitute Amendment 1 on September 7, 2005. On that date, the committee recommended adoption of the substitute amendment on a vote of Ayes, 11; Noes, 0 and recommended passage of the bill, as amended, on a vote of Ayes, 11; Noes, 0.

AS:jal