

# State of Wisconsin



2023 Assembly Bill 36

Date of enactment: **December 6, 2023**

Date of publication\*: **December 7, 2023**

## 2023 WISCONSIN ACT 58

AN ACT *to consolidate, renumber and amend* 165.775 (4) (intro.) and (b); *to amend* 165.775 (3) (b) and 165.775 (4) (a); and *to create* 165.775 (4) (b) 2. of the statutes; **relating to**: a time limit for processing sexual assault kits.

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

**SECTION 1.** 165.775 (3) (b) of the statutes is amended to read:

165.775 (3) (b) Except as provided in par. (c), within 14 days after taking possession of the sexual assault kit, send the sexual assault kit to the state crime laboratories for processing in accordance with the procedures specified in the rules promulgated under sub. (6) within 14 days after taking possession of the sexual assault kit sub. (4) (b).

**SECTION 2.** 165.775 (4) (intro.) and (b) of the statutes are consolidated, renumbered 165.775 (4) (b) (intro.) and amended to read:

165.775 (4) (b) (intro.) If Except as provided in par. (a), if the state crime laboratories takes possession of a sexual assault kit, it shall do all of the following: (b) If the state crime laboratories shall begin processing the kit in accordance with the procedures specified in the rules promulgated under sub. (6) and shall complete processing the kit within 6 months after the state crime laboratories receives it, except that the state crime laboratories shall begin processing the kit within 5 business days of taking possession and shall complete processing the kit within 60 calendar days after the processing has begun if any of the following applies:

1. The victim chooses to report the sexual assault to a Wisconsin law enforcement agency and thus has consented to, the identity of the person who perpetrated the sexual assault is unknown, and there is a threat to public safety. For purposes of this subsection, a victim's report to a law enforcement agency shall be considered consent for the analysis of his or her sexual assault kit, process the kit in accordance with the procedures specified in the rules promulgated under sub. (6).

**SECTION 3.** 165.775 (4) (a) of the statutes is amended to read:

165.775 (4) (a) If the state crime laboratories takes possession of a sexual assault kit and the victim chooses not to report the sexual assault to a Wisconsin law enforcement agency and thus has not consented to the analysis of his or her sexual assault kit, the state crime laboratories shall securely store the sexual assault kit for a period of 10 years, during which time the sexual assault victim may choose to report the assault to a Wisconsin law enforcement agency.

**SECTION 4.** 165.775 (4) (b) 2. of the statutes is created to read:

165.775 (4) (b) 2. The sexual assault kit contains evidence collected from a sexual assault forensic examination that was performed as part of an investigation of a

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

death that involves unexplained, unusual, or suspicious circumstances, as determined by a law enforcement agency.

**SECTION 5. Effective date.**

(1) This act takes effect on the first day of the 7th month beginning after publication.

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