



2009 SENATE BILL 639

March 23, 2010 - Introduced by Senators COGGS, CARPENTER, LEHMAN and PLALE, cosponsored by Representatives BARCA, CULLEN, TURNER, BIES, POPE-ROBERTS, YOUNG, ZEPNICK and VRUWINK. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

- 1 **AN ACT** *to amend* 165.765 (1) of the statutes; **relating to:** failing to provide a
2 biological specimen for deoxyribonucleic acid analysis and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the following people are required to submit biological specimens to the crime laboratories for deoxyribonucleic acid (DNA) analysis: a person sentenced or placed on probation in Wisconsin for a felony (a crime for which a person may be sentenced to prison) or one of the several specified misdemeanors; a person found to be a sexually violent person; a person on probation, parole, or extended supervision in Wisconsin for a crime committed in another state that would be a felony if committed in Wisconsin; and a person found not guilty by reason of mental disease or defect or adjudicated delinquent for certain felony sexual assaults. In addition, a court may order a juvenile who is adjudicated delinquent for certain other offenses to provide a biological specimen for DNA analysis. A person who is required to provide a biological specimen for DNA analysis and intentionally fails to do so is subject to a fine not to exceed \$10,000 or imprisonment not to exceed nine months or both.

Under this bill, a person who is required to provide a biological specimen for DNA analysis and intentionally fails to do so is subject to a fine of not less than \$15,000 nor more than \$25,000 or imprisonment for not longer than one year and six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

