

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 497**

November 3, 1999 – Offered by Representatives GUNDRUM, HAHN, STASKUNAS,
GROTHMAN, PLALE and ALBERS.

1 **AN ACT** *to amend* 939.74 (1) and 939.74 (2) (c); and *to create* 939.74 (2d) of the
2 statutes; **relating to:** time limits for prosecution of certain crimes of sexual
3 assault.

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

4 **SECTION 1.** 939.74 (1) of the statutes is amended to read:

5 939.74 **(1)** Except as provided in sub. subs. (2), and (2d) and s. 946.88 (1),
6 prosecution for a felony must be commenced within 6 years and prosecution for a
7 misdemeanor or for adultery within 3 years after the commission thereof. Within the
8 meaning of this section, a prosecution has commenced when a warrant or summons
9 is issued, an indictment is found, or an information is filed.

10 **SECTION 2.** 939.74 (2) (c) of the statutes is amended to read:

11 939.74 **(2)** (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),
12 948.05, 948.06, 948.07 (1), (2), (3) or (4), 948.08 or 948.095 shall be commenced before

1 the victim reaches the age of 31 years or be barred, except as provided in sub. (2d)
2 (c).

3 **SECTION 3.** 939.74 (2d) of the statutes is created to read:

4 939.74 **(2d)** (a) In this subsection, “deoxyribonucleic acid profile” has the
5 meaning given in s. 972.11 (5) (a).

6 (b) Notwithstanding that the time limitation under sub. (1) has expired, if the
7 state has evidence of a deoxyribonucleic acid profile of a person who committed a
8 violation of s. 940.225 (1) or (2) but comparisons of the evidence to deoxyribonucleic
9 acid profiles of known persons that were made before the time limitation under sub.
10 (1) expired did not result in a probable identification of the person, a prosecution for
11 the violation may be commenced within one year after a comparison of the
12 deoxyribonucleic acid profile evidence relating to the violation results in a probable
13 identification of the person.

14 (c) Notwithstanding that the time limitation under sub. (2) (c) has expired, if
15 the state has evidence of a deoxyribonucleic acid profile of a person who committed
16 a violation of s. 948.02 (1) or (2) or 948.025 but comparisons of the evidence to
17 deoxyribonucleic acid profiles of known persons that were made before the time
18 limitation under sub. (2) (c) expired did not result in a probable identification of the
19 person, a prosecution for the violation may be commenced within one year after a
20 comparison of the deoxyribonucleic acid profile evidence relating to the violation
21 results in a probable identification of the person.

22 **SECTION 4. Initial applicability.**

23 (1) This act first applies to offenses not barred from prosecution on the effective
24 date of this subsection.

25 **(END)**