

**1999 DRAFTING REQUEST****Assembly Substitute Amendment (ASA-AB497)**Received: **10/26/1999**Received By: **olsenje**Wanted: **Soon**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**By/Representing: **Himself**This file may be shown to any legislator: **NO**Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - procedure  
Criminal Law - sexual assault**Extra Copies: **MGD**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Statute of limitation based on DNA evidence discovery

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	olsenje 10/27/1999	jgeller 10/27/1999	hhagen 10/27/1999	_____	lrb_docadmin 10/27/1999	lrb_docadmin 10/27/1999	

FE Sent For:

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1?	olsenje	11/10/27 jlg	11/10/27	11/10/27			

FE Sent For:

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBs0162/1

JEO: A:...

Thurs 10/28

JLg

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 1999 ASSEMBLY BILL 497

gen cat

1 AN ACT ...; relating to: time limits for prosecution of certain crimes of sexual  
2 assault.

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

3 SECTION 1. 939.74 (1)<sup>X</sup> of the statutes is amended to read:

4 939.74 (1) Except as provided in ~~sub.~~ subs. (2), and (2d)<sup>✓</sup> and s. 946.88 (1),  
5 prosecution for a felony must be commenced within 6 years and prosecution for a  
6 misdemeanor or for adultery within 3 years after the commission thereof. Within the  
7 meaning of this section, a prosecution has commenced when a warrant or summons  
8 is issued, an indictment is found, or an information is filed.

9 History: 1981 c. 280, 1985 a. 275; 1987 a. 332, 380, 399, 403; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237.

SECTION 2. 939.74 (2) (c)<sup>X</sup> of the statutes is amended to read:

10 939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),  
11 948.05, 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 History: 1981 c. 280; 1985 a. 275; 1987 a. 332, 380, 399, 403; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237.

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.**

