

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA(LRBs0162/1)-AB497)

Received: 11/03/1999

Received By: **olsenje**

Wanted: **Today**

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**

Extra Copies: **MGD**

Pre Topic:

No specific pre topic given

Topic:

Add fingerprint evidence

Instructions:

See Attached

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>
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FE Sent For:

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

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 fingerprints or} 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 ^{to} 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} 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)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa0928/1

JEO:.....

cmvt

New

Sent to
WEDS

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0162/1),
TO 1999 ASSEMBLY BILL 497**

Editor:
of sub
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- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 2, line 7: after "evidence" insert "of fingerprints or".
- 3 **2.** Page 2, line 8: before "deoxyribonucleic" insert "fingerprint records or".
- 4 **3.** Page 2, line 12: before "deoxyribonucleic" insert "fingerprint evidence or".
- 5 **4.** Page 2, line 15: after "evidence" insert "of fingerprints or".
- 6 **5.** Page 2, line 17: before "deoxyribonucleic" insert "fingerprint records or".
- 7 **6.** Page 2, line 20: before "deoxyribonucleic" insert "fingerprint evidence or".

8 (END)