

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1999 ASSEMBLY BILL 497**

November 3, 1999 – Offered by Representative DUFE.

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

11 939.74 (2) (a) A prosecution under s. 940.01, 940.02 ~~or~~, 940.03 or 940.225 (1)
12 or (2) may be commenced at any time.

1 **SECTION 3.** 939.74 (2) (c) of the statutes is amended to read:

2 939.74 **(2)** (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),
3 948.05, 948.06, 948.07 (1), (2), (3) or (4), 948.08 or 948.095 shall be commenced before
4 the victim reaches the age of 31 years or be barred, except as provided in sub. (2d)
5 (b).

6 **SECTION 4.** 939.74 (2d) of the statutes is created to read:

7 939.74 **(2d)** (a) In this subsection, “deoxyribonucleic acid profile” has the
8 meaning given in s. 972.11 (5) (a).

9 (b) Notwithstanding that the time limit under sub. (2) (c) has expired, a
10 prosecution for a violation of s. 948.02 (1) or (2) or 948.025 may be commenced within
11 one year after fingerprint evidence or deoxyribonucleic acid profile evidence relating
12 to the violation results in a probable identification of a person who committed the
13 violation if any of the following applies:

14 1. The state had collected evidence of fingerprints or of a deoxyribonucleic acid
15 profile of a person who committed the violation before the time limit under sub. (2)
16 (c) expired but comparisons of the evidence to fingerprint records or deoxyribonucleic
17 acid profiles of known persons that were made before the time limitation under sub.
18 (2) (c) expired did not result in a probable identification of the person.

19 2. The state first discovered and collected evidence of fingerprints or of a
20 deoxyribonucleic acid profile of a person who committed the violation after the time
21 limit under sub. (2) (c) expired.

22 **SECTION 5. Initial applicability.**

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

25

(END)