

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/21/99

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Zabawa (DS)**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - law enforcement**

Extra Copies:

Pre Topic:

LFB:.....Zabawa (DS) -

Topic:

DNA data bank

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>
/1	olsenje 05/26/99	gilfokm 05/27/99	martykr 05/28/99	_____	lrb_docadmin 05/28/99		
/2	olsenje 06/11/99	gilfokm 06/11/99	martykr 06/12/99	_____	lrb_docadmin 06/12/99		

FE Sent For:

<END>

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/1	olsenje 05/26/99	gilfokm 05/27/99	martykr 05/28/99	_____	lrb_docadmin 05/28/99		

FE Sent For: *12-6-11-99*
kmj
kmj
kmj
 <END>

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DNA databank



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/1	olsenje	1-5-99 KMG	5/28	5/28			

FE Sent For:

<END>

60368

Senator Burke

JUSTICE

Expansion of the State DNA Databank

Motion:

Move to provide \$431,800 PR in 1999-00 and \$817,700 PR and 2.0 PR positions (1.0 specimen collections specialist in the Milwaukee crime laboratory and 1.0 clerical assistant position in the Department of Corrections, beginning January 1, 2000) to expand the state DNA databank to include all felons. Require the Department of Corrections to collect DNA samples from felony offenders placed on probation or at the time of release from prison, beginning January 1, 2000. Increase the crime laboratories and drug law enforcement assessment by \$1, beginning on the effective date of the bill.

973.047

Note:

The DNA databank, housed in the Milwaukee crime lab, is currently used to match DNA profiles of convicted sex offenders with unknown profiles collected by investigators at crime scenes. There are currently over 10,000 DNA profiles in this database. According to the Department of Justice (DOJ), the databank has produced nine "hits" or matches and has aided 12 sexual assault and homicide investigations in southeastern Wisconsin. This motion would require the Department of Corrections to collect DNA samples from convicted felons placed on probation or at the time of release from prison, beginning January 1, 2000, and would provide 1.0 position each to the Departments of Corrections and Justice and funding to DOJ for DNA sample analysis. To fund the databank expansion, the motion would increase the current \$4 crime laboratories and drug law enforcement assessment by \$1, beginning on the effective date of the bill. This assessment is imposed on offenders by courts if the court imposes a sentence, places a person on probation or imposes a forfeiture for a violation of state law or municipal or county ordinance (except for nonmoving traffic or smoking violations).

[Change to Bill: \$1,249,500 PR and 2.0 PR positions]

16-0

Motion #752

MO#	ZZZZZZZZZZ
Burke	00000000
Decker	00000000
Jauch	00000000
Moore	00000000
Shiblick	00000000
Plache	00000000
Cowles	00000000
Panzer	00000000
Gard	00000000
Porter	00000000
Kautert	00000000
Albers	00000000
Duff	00000000
Ward	00000000
Huber	00000000
Riley	00000000



Now → certain offenses

Probation ordered 1/1/2000
all felonies

Released - from prison

Out-of-state : if placed on probation
on/after 1/1/2000



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0368/1

JEO: King

Soon

LFB:.....Zabawa (DS) – DNA databank

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

WPO:
Fix request sheet

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 1063, line 4: delete lines 4 to 9 and substitute:

3 "SECTION 2288b. 165.755 (1) (a) of the statutes is amended to read:

4 165.755 (1) (a) Except as provided in par. (b), ~~beginning on October 14, 1997,~~
5 a court shall impose a crime laboratories and drug law enforcement assessment of
6 \$4- \$5 if the court imposes a sentence, places a person on probation or imposes a
7 forfeiture for a violation of state law or for a violation of a municipal or county
8 ordinance.

9 History: 1997 a. 27.

9 SECTION 2288f. 165.76 (1) (a) of the statutes is amended to read:

10 165.76 (1) (a) Is in ~~prison or~~ a secured correctional facility, as defined in s.
11 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g) or on

1 probation, extended supervision, parole, supervision or aftercare supervision on or
2 after August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or
3 948.025.

History: 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 77, 440; 1997 a. 35, 283.

4 **SECTION 2288g.** 165.76 (1) (a) of the statutes, as affected by 1999 Wisconsin Act
5 (this act), is repealed and recreated to read:

6 165.76 (1) (a) Is in a secured correctional facility, as defined in s. 938.02 (15m),
7 a secured child caring institution, as defined in s. 938.02 (15g), or a secured group
8 home, as defined in s. 938.02 (15p), or on probation, extended supervision, parole,
9 supervision or aftercare supervision on or after August 12, 1993, for any violation of
10 s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

11 **SECTION 2288h.** 165.76 (1) (ag) of the statutes is created to read:

12 165.76 (1) (ag) Is in prison on or after August 12, 1993, and before January 1,
13 2000, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

14 **SECTION 2288i.** 165.76 (1) (ar) of the statutes is created to read:

15 165.76 (1) (ar) Is in prison on or after January 1, 2000, for a felony committed
16 in this state.

17 **SECTION 2288L.** 165.76 (1) (e) of the statutes is amended to read:

18 165.76 (1) (e) Is released on parole or extended supervision or placed on
19 probation in another state before January 1, 2000, and is on parole, extended
20 supervision or probation in this state from another the other state under s. 304.13
21 or 304.135 on or after July 9, 1996, for a violation of the law of another the other state
22 that the department of corrections determines, under s. 304.137 (1), is comparable
23 to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

History: 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 77, 440; 1997 a. 35, 283.

24 **SECTION 2288m.** 165.76 (1) (f) of the statutes is created to read:

1 165.76 (1) (f) Is released on parole or extended supervision or placed on
2 probation in another state on or after January 1, 2000, and is on probation in this
3 state from the other state under s. 304.13 or 304.135 for a violation of the law of the
4 other state that the department of corrections determines, under s. 304.137 (2),
5 would constitute a felony if committed by an adult in this state.”.

6 ✓2. Page 1215, line 11: after that line insert:

7 “SECTION 2718k. 304.137 of the statutes is renumbered 304.137 (1) and
8 amended to read:

9 304.137 (1) PERSONS RELEASED OR PLACED ON PROBATION BEFORE JANUARY 1, 2000.

10 If the department accepts supervision of a probationer, person on extended
11 supervision or parolee from another state under s. 304.13 or 304.135 and the person
12 was placed on probation or released on parole or extended supervision before
13 January 1, 2000, the department shall determine whether the violation of law for
14 which the person is on probation, extended supervision or parole is comparable to a
15 violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025. If the department
16 determines that a person on probation, extended supervision or parole from another
17 state who is subject to this subsection violated a law that is comparable to a violation
18 of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the department shall direct the
19 probationer, person on extended supervision or parolee to provide a biological
20 specimen under s. 165.76.

History: 1995 a. 440; 1997 a. 283.

21 SECTION 2718L. 304.137 (2) of the statutes is created to read:

22 304.137 (2) PERSONS RELEASED OR PLACED ON PROBATION ON OR AFTER JANUARY 1,
23 2000. If the department accepts supervision of a probationer, person on extended
24 supervision or parolee from another state under s. 304.13 or 304.135 and the person

1 was placed on probation or released on parole or extended supervision on or after
2 January 1, 2000, the department shall determine whether the violation of law for
3 which the person is on probation, extended supervision or parole would constitute
4 a felony if committed by an adult in this state. If the department determines that
5 a person on probation, extended supervision or parole from another state who is
6 subject to this subsection violated a law that would constitute a felony if committed
7 by an adult in this state, the department shall direct the probationer, person on
8 extended supervision or parolee to provide a biological specimen under s. 165.76.”

9 **3.** Page 1357, line 5: after that line insert:

10 “SECTION 3202g. 973.046 (1) (intro.) and (b) of the statutes are consolidated,
11 renumbered 973.046 (1m) and amended to read:

12 973.046 (1m) If In any case in which a court imposes a sentence or places a
13 person on probation under any of the following circumstances, the court shall impose
14 a deoxyribonucleic acid analysis surcharge of \$250: ~~(b) The if the court required~~
15 requires the person to provide a biological specimen under s. 973.047 (1) (1f).

16 History: 1993 a. 16; 1995 a. 201; 1997 a. 27.

SECTION 3202h. 973.046 (1) (a) of the statutes is repealed.

17 SECTION 3202k. 973.047 (1) (a) of the statutes is renumbered 973.047 (1f) and
18 amended to read:

19 973.047 (1f) If a court imposes a sentence or places a person on probation for
20 a violation of s. 940.225, 948.02 (1) or (2) or 948.025 felony conviction, the court shall
21 require the person to provide a biological specimen to the state crime laboratories for
22 deoxyribonucleic acid analysis.

23 History: 1993 a. 16, 98, 227; 1995 a. 440.

SECTION 3202L. 973.047 (1) (b) of the statutes is repealed.

1 **SECTION 3202m.** 973.047 (1) (c) of the statutes is renumbered 973.047 (1m) and
2 amended to read:

3 973.047 (1m) The results from deoxyribonucleic acid analysis of a specimen
4 provided under ~~par. (a) or (b)~~ this section may be used only as authorized under s.
5 165.77 (3). The state crime laboratories shall destroy any such specimen in
6 accordance with s. 165.77 (3).

History: 1993 a. 16, 98, 227; 1995 a. 440.

7 **SECTION 3202p.** 973.047 (2) of the statutes is amended to read:

8 973.047 (2) The department of justice shall promulgate rules providing for
9 procedures for defendants to provide specimens when required to do so under sub.
10 (1) this section and for the transportation of those specimens to the state crime
11 laboratories for analysis under s. 165.77.”.

History: 1993 a. 16, 98, 227; 1995 a. 440.

12 ✓ **4.** Page 1449, line 10: delete “165.76 (1) (a),”.

13 ✓ **5.** Page 1450, line 2: delete “statutes” and substitute “statutes, the repeal and
14 recreation of section 165.76 (1) (a) of the statutes”.

15 ✓ **6.** Page 1466, line 22: after that line insert:

9mt. app.

16 “(5) HUMAN BIOLOGICAL SPECIMENS FOR DEOXYRIBONUCLEIC ACID ANALYSIS. The
17 treatment of sections 973.046 (1) (intro.), (a) and (b) and 973.047 (1) (a) and (b) of the
18 statutes first applies to sentencing proceedings that occur on the effective date of this
19 subsection.”.

20 ✓ **7.** Page 1470, line 15: delete “165.76 (1) (a),”.

21 ✓ **8.** Page 1471, line 7: after “statutes,” insert “the repeal and recreation of
22 section 165.76 (1) (a) of the statutes,”.

23 ✓ **9.** Page 1479, line 13: after that line insert:

(X)

1
2
3
4
“(2) HUMAN BIOLOGICAL SPECIMENS FOR DEOXYRIBONUCLEIC ACID ANALYSIS. The
treatment of sections 973.046 (1) (intro.), (a) and (b) and 973.047 (1) (a) and (b) of the
statutes and SECTION 9358 (5) of this act take effect on January 1, 2000.”.

(END)

(X)

eff. date

DNA

Change / surcharge to:

- a) All sex offenders automatically
- b) All other felons @ cf's discretion



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0368/1
JEO:kmg:km

Soon!
D-Note

2
reDraft
maker
run

LFB:.....Zabawa (DS) - DNA data bank

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

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6 \$4- \$5 if the court imposes a sentence, places a person on probation or imposes a
7 forfeiture for a violation of state law or for a violation of a municipal or county
8 ordinance.

9 SECTION 2288f. 165.76 (1) (a) of the statutes is amended to read:

10 165.76 (1) (a) Is in ~~prison or~~ a secured correctional facility, as defined in s.
11 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g) or on
12 probation, extended supervision, parole, supervision or aftercare supervision on or

1 after August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or
2 948.025.

3 **SECTION 2288g.** 165.76 (1) (a) of the statutes, as affected by 1999 Wisconsin Act
4 ... (this act), is repealed and recreated to read:

5 165.76 (1) (a) Is in a secured correctional facility, as defined in s. 938.02 (15m),
6 a secured child caring institution, as defined in s. 938.02 (15g), or a secured group
7 home, as defined in s. 938.02 (15p), or on probation, extended supervision, parole,
8 supervision or aftercare supervision on or after August 12, 1993, for any violation of
9 s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

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11 165.76 (1) (ag) Is in prison on or after August 12, 1993, and before January 1,
12 2000, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

13 **SECTION 2288i.** 165.76 (1) (ar) of the statutes is created to read:

14 165.76 (1) (ar) Is in prison on or after January 1, 2000, for a felony committed
15 in this state.

16 **SECTION 2288L.** 165.76 (1) (e) of the statutes is amended to read:

17 165.76 (1) (e) Is released on parole or extended supervision or placed on
18 probation in another state before January 1, 2000, and is on parole, extended
19 supervision or probation in this state from ~~another~~ the other state under s. 304.13
20 or 304.135 on or after July 9, 1996, for a violation of the law of ~~another~~ the other state
21 that the department of corrections determines, under s. 304.137 (1), is comparable
22 to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

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24 165.76 (1) (f) Is released on parole or extended supervision or placed on
25 probation in another state on or after January 1, 2000, and is on parole, extended supervision
probation in this or

1 state from the other state under s. 304.13 or 304.135 for a violation of the law of the
2 other state that the department of corrections determines, under s. 304.137 (2),
3 would constitute a felony if committed by an adult in this state.”

4 **2.** Page 1215, line 11: after that line insert:

5 “SECTION 2718k. 304.137 of the statutes is renumbered 304.137 (1) and
6 amended to read:

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12 which the person is on probation, extended supervision or parole is comparable to a
13 violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025. If the department
14 determines that a person on probation, extended supervision or parole from another
15 state who is subject to this subsection violated a law that is comparable to a violation
16 of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the department shall direct the
17 probationer, person on extended supervision or parolee to provide a biological
18 specimen under s. 165.76.

19 **SECTION 2718L.** 304.137 (2) of the statutes is created to read:

20 304.137 (2) PERSONS RELEASED OR PLACED ON PROBATION ON OR AFTER JANUARY 1,
21 2000. If the department accepts supervision of a probationer, person on extended
22 supervision or parolee from another state under s. 304.13 or 304.135 and the person
23 was placed on probation or released on parole or extended supervision on or after
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1 which the person is on probation, extended supervision or parole would constitute
 2 a felony if committed by an adult in this state. If the department determines that
 3 a person on probation, extended supervision or parole from another state who is
 4 subject to this subsection violated a law that would constitute a felony if committed
 5 by an adult in this state, the department shall direct the probationer, person on
 6 extended supervision or parolee to provide a biological specimen under s. 165.76.”

✓
INS
4-8

7 **3.** Page 1357, line 5: after that line insert:

8 **SECTION 3202g.** 973.046 (1) (intro.) and (b) of the statutes are consolidated,
 9 renumbered 973.046 (1m) and amended to read:

10 973.046 (1m) ~~If In any case in which a court imposes a sentence or places a~~
 11 ~~person on probation under any of the following circumstances, the court shall impose~~
 12 ~~a deoxyribonucleic acid analysis surcharge of \$250: (b) The if the court required~~
 13 ~~requires the person to provide a biological specimen under s. 973.047 (1) (1f).~~

14 **SECTION 3202h.** 973.046 (1) (a) of the statutes is repealed.

15 **SECTION 3202k.** 973.047 (1) (a) of the statutes is renumbered 973.047 (1f) and
 16 amended to read:

17 973.047 (1f) If a court imposes a sentence or places a person on probation for
 18 a violation of s. 940.225, 948.02 (1) or (2) or 948.025 felony conviction, the court shall
 19 require the person to provide a biological specimen to the state crime laboratories for
 20 deoxyribonucleic acid analysis.

21 **SECTION 3202L.** 973.047 (1) (b) of the statutes is repealed.

22 **SECTION 3202m.** 973.047 (1) (c) of the statutes is renumbered 973.047 (1m) and
 23 amended to read:

1 973.047 (1m) The results from deoxyribonucleic acid analysis of a specimen
2 provided under ~~par. (a) or (b)~~ this section may be used only as authorized under s.
3 165.77 (3). The state crime laboratories shall destroy any such specimen in
4 accordance with s. 165.77 (3).

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7 procedures for defendants to provide specimens when required to do so under sub-
8 (1) this section and for the transportation of those specimens to the state crime
9 laboratories for analysis under s. 165.77.”.

10 **4.** Page 1449, line 10: delete “165.76 (1) (a),”.

11 **5.** Page 1450, line 2: delete “statutes” and substitute “statutes, the repeal and
12 recreation of section 165.76 (1) (a) of the statutes”.

13 **6.** Page 1466, line 22: after that line insert:

14 “(5x) HUMAN BIOLOGICAL SPECIMENS FOR DEOXYRIBONUCLEIC ACID ANALYSIS. The
15 treatment of sections 973.046 (1) (intro.), (a) and (b) and 973.047 (1) (a) and (b) of the
16 statutes first applies to sentencing proceedings that occur on the effective date of this
17 subsection.”.

18 **7.** Page 1470, line 15: delete “165.76 (1) (a),”.

19 **8.** Page 1471, line 7: after “statutes,” insert “the repeal and recreation of
20 section 165.76 (1) (a) of the statutes,”.

21 **9.** Page 1479, line 13: after that line insert:

(1g)

1 “(2x) HUMAN BIOLOGICAL SPECIMENS FOR DEOXYRIBONUCLEIC ACID ANALYSIS. The
2 treatment of sections 973.046 (1) (intro.), (a) ~~and~~ ^{and (1g)} (b) and 973.047 (1) (a) and (b) of the
3 statutes and SECTION 9358 (5x) of this act take effect on January 1, 2000.”

4

(END)

srst

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0368/2ins
JEO:.....

1 **INSERT 4-8:**

2 "SECTION 3202e. 973.046 (1) (intro.) of the statutes is renumbered 973.046 (1r)
3 and amended to read:

4 973.046 (1r) If a court imposes a sentence or places a person on probation under
5 ~~any of the following circumstances for a violation of s. 940.225, 948.02 (1) or (2) or~~
6 948.025, the court shall impose a deoxyribonucleic acid analysis surcharge of \$250.

7 History: 1993 a. 16; 1995 a. 201; 1997 a. 27.

7 **SECTION 3202f.** 973.046 (1) (a) of the statutes is repealed.

8 **SECTION 3202g.** 973.046 (1) (b) of the statutes is repealed.

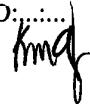
9 **SECTION 3202h.** 973.046 (1g) of the statutes is created to read:

10 973.046 (1g) Except as provided in sub. (1r), if a court imposes a sentence or
11 places a person on probation for a felony conviction, the court may impose a
12 deoxyribonucleic acid analysis surcharge of \$250.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0368/2dn

JEO:.....



Requiring all persons convicted of a felony to provide a biological sample while requiring only sex offenders to pay the DNA surcharge may create an equal protection problem. Compare *State v. Trepanier*, 204 Wis. 2d 505 (Ct. App. 1996) (invalidating the requirement that all convicted burglars pay the surcharge regardless of whether they were ordered to provide a biological sample).

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0368/2dn
JEO:kmg:km

June 12, 1999

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Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0368/2
JEO:kmg:km

LFB:.....Zabawa (DS) – DNA data bank

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

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6 \$4- \$5 if the court imposes a sentence, places a person on probation or imposes a
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12 probation, extended supervision, parole, supervision or aftercare supervision on or

1 after August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or
2 948.025.

3 **SECTION 2288g.** 165.76 (1) (a) of the statutes, as affected by 1999 Wisconsin Act
4 ... (this act), is repealed and recreated to read:

5 165.76 (1) (a) Is in a secured correctional facility, as defined in s. 938.02 (15m),
6 a secured child caring institution, as defined in s. 938.02 (15g), or a secured group
7 home, as defined in s. 938.02 (15p), or on probation, extended supervision, parole,
8 supervision or aftercare supervision on or after August 12, 1993, for any violation of
9 s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

10 **SECTION 2288h.** 165.76 (1) (ag) of the statutes is created to read:

11 165.76 (1) (ag) Is in prison on or after August 12, 1993, and before January 1,
12 2000, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

13 **SECTION 2288i.** 165.76 (1) (ar) of the statutes is created to read:

14 165.76 (1) (ar) Is in prison on or after January 1, 2000, for a felony committed
15 in this state.

16 **SECTION 2288L.** 165.76 (1) (e) of the statutes is amended to read:

17 165.76 (1) (e) Is released on parole or extended supervision or placed on
18 probation in another state before January 1, 2000, and is on parole, extended
19 supervision or probation in this state from another ~~the other~~ state under s. 304.13
20 or 304.135 on or after July 9, 1996, for a violation of the law of ~~another~~ the other state
21 that the department of corrections determines, under s. 304.137 (1), is comparable
22 to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

23 **SECTION 2288m.** 165.76 (1) (f) of the statutes is created to read:

24 165.76 (1) (f) Is released on parole or extended supervision or placed on
25 probation in another state on or after January 1, 2000, and is on parole, extended

1 supervision or probation in this state from the other state under s. 304.13 or 304.135
2 for a violation of the law of the other state that the department of corrections
3 determines, under s. 304.137 (2), would constitute a felony if committed by an adult
4 in this state.”.

5 **2.** Page 1215, line 11: after that line insert:

6 “**SECTION 2718k.** 304.137 of the statutes is renumbered 304.137 (1) and
7 amended to read:

8 **304.137 (1) PERSONS RELEASED OR PLACED ON PROBATION BEFORE JANUARY 1, 2000.**
9 If the department accepts supervision of a probationer, person on extended
10 supervision or parolee from another state under s. 304.13 or 304.135 and the person
11 was placed on probation or released on parole or extended supervision before
12 January 1, 2000, the department shall determine whether the violation of law for
13 which the person is on probation, extended supervision or parole is comparable to a
14 violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025. If the department
15 determines that a person on probation, extended supervision or parole from another
16 state who is subject to this subsection violated a law that is comparable to a violation
17 of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the department shall direct the
18 probationer, person on extended supervision or parolee to provide a biological
19 specimen under s. 165.76.

20 **SECTION 2718L.** 304.137 (2) of the statutes is created to read:

21 **304.137 (2) PERSONS RELEASED OR PLACED ON PROBATION ON OR AFTER JANUARY 1,**
22 **2000.** If the department accepts supervision of a probationer, person on extended
23 supervision or parolee from another state under s. 304.13 or 304.135 and the person
24 was placed on probation or released on parole or extended supervision on or after

1 January 1, 2000, the department shall determine whether the violation of law for
2 which the person is on probation, extended supervision or parole would constitute
3 a felony if committed by an adult in this state. If the department determines that
4 a person on probation, extended supervision or parole from another state who is
5 subject to this subsection violated a law that would constitute a felony if committed
6 by an adult in this state, the department shall direct the probationer, person on
7 extended supervision or parolee to provide a biological specimen under s. 165.76.”.

8 **3.** Page 1357, line 5: after that line insert:

9 “**SECTION 3202e.** 973.046 (1) (intro.) of the statutes is renumbered 973.046 (1r)
10 and amended to read:

11 973.046 (1r) If a court imposes a sentence or places a person on probation ~~under~~
12 ~~any of the following circumstances~~ for a violation of s. 940.225, 948.02 (1) or (2) or
13 948.025, the court shall impose a deoxyribonucleic acid analysis surcharge of \$250.

14 **SECTION 3202f.** 973.046 (1) (a) of the statutes is repealed.

15 **SECTION 3202g.** 973.046 (1) (b) of the statutes is repealed.

16 **SECTION 3202h.** 973.046 (1g) of the statutes is created to read:

17 973.046 (1g) Except as provided in sub. (1r), if a court imposes a sentence or
18 places a person on probation for a felony conviction, the court may impose a
19 deoxyribonucleic acid analysis surcharge of \$250.

20 **SECTION 3202k.** 973.047 (1) (a) of the statutes is renumbered 973.047 (1f) and
21 amended to read:

22 973.047 (1f) If a court imposes a sentence or places a person on probation for
23 ~~a violation of s. 940.225, 948.02 (1) or (2) or 948.025~~ felony conviction, the court shall

1 require the person to provide a biological specimen to the state crime laboratories for
2 deoxyribonucleic acid analysis.

3 **SECTION 3202L.** 973.047 (1) (b) of the statutes is repealed.

4 **SECTION 3202m.** 973.047 (1) (c) of the statutes is renumbered 973.047 (1m) and
5 amended to read:

6 973.047 (1m) The results from deoxyribonucleic acid analysis of a specimen
7 provided under par. (a) or (b) this section may be used only as authorized under s.
8 165.77 (3). The state crime laboratories shall destroy any such specimen in
9 accordance with s. 165.77 (3).

10 **SECTION 3202p.** 973.047 (2) of the statutes is amended to read:

11 973.047 (2) The department of justice shall promulgate rules providing for
12 procedures for defendants to provide specimens when required to do so under sub.
13 (1) this section and for the transportation of those specimens to the state crime
14 laboratories for analysis under s. 165.77.”.

15 **4.** Page 1449, line 10: delete “165.76 (1) (a),”.

16 **5.** Page 1450, line 2: delete “statutes” and substitute “statutes, the repeal and
17 recreation of section 165.76 (1) (a) of the statutes”.

18 **6.** Page 1466, line 22: after that line insert:

19 “(5x) HUMAN BIOLOGICAL SPECIMENS FOR DEOXYRIBONUCLEIC ACID ANALYSIS. The
20 treatment of sections 973.046 (1) (intro.), (a) and (b) and (1g) and 973.047 (1) (a) and
21 (b) of the statutes first applies to sentencing proceedings that occur on the effective
22 date of this subsection.”.

23 **7.** Page 1470, line 15: delete “165.76 (1) (a),”.

