

2003 Assembly Bill 652

Date of enactment: **April 12, 2004**
Date of publication*: **April 26, 2004**

2003 WISCONSIN ACT 224

AN ACT *to create* 950.04 (1v) (dL) and 968.265 of the statutes; **relating to:** lie detector tests of sexual assault victims.

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

SECTION 1g. 950.04 (1v) (dL) of the statutes is created to read:

950.04 (1v) (dL) To not be the subject of a law enforcement officer's or district attorney's order, request, or suggestion that he or she submit to a test using a lie detector, as defined in s. 111.37 (1) (b), if he or she claims to have been the victim of a sexual assault under s. 940.22 (2), 940.225, or 948.02 (1) or (2), except as permitted under s. 968.265.

SECTION 1r. 968.265 of the statutes is created to read:

968.265 Lie detector tests; sexual assault victims.

(1) In this section, "lie detector" has the meaning given in s. 111.37 (1) (b).

(2) If a person reports to a law enforcement officer

that he or she was the victim of an offense under s. 940.22 (2), 940.225, or 948.02 (1) or (2), no law enforcement officer may in connection with the report order, request, or suggest that the person submit to a test using a lie detector, or provide the person information regarding tests using lie detectors unless the person requests information regarding tests using lie detectors.

(3) If a person reports to a district attorney that he or she was the victim of an offense under s. 940.22 (2), 940.225, or 948.02 (1) or (2), no district attorney may do any of the following in connection with the report:

(a) Order that the person submit to a test using a lie detector.

(b) Suggest or request that the person submit to a test using a lie detector without first providing the person with notice and an explanation of his or her right not to submit to such a test.

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].