



## 2009 ASSEMBLY BILL 514

1     **AN ACT** *to repeal* 939.74 (2d) (d); *to amend* 939.74 (2) (c), 939.74 (2) (cm), 939.74  
2           (2) (d) and 939.74 (2d) (c); *to repeal and recreate* 939.74 (2d) (b); and *to create*  
3           939.74 (2d) (e) of the statutes; **relating to:** time limitations for commencing  
4           prosecution of crimes.

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*Analysis by the Legislative Reference Bureau*

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

5           **SECTION 1.** 939.74 (2) (c) of the statutes is amended to read:  
6           939.74 **(2)** (c) A prosecution for violation of s. 948.02 (2), 948.025 (1) (b), 948.03  
7           (2) (a), 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, 948.085, or 948.095  
8           shall be commenced before the victim reaches the age of 45 years or be barred, except  
9           as provided in sub. (2d) (e).

10          **SECTION 2.** 939.74 (2) (cm) of the statutes is amended to read:

**ASSEMBLY BILL 514****SECTION 2**

1           939.74 **(2)** (cm) A prosecution for violation of s. 948.03 (2) (b) or (c), (3) or (4),  
2           948.04 or 948.07 (5) or (6) shall be commenced before the victim reaches the age of  
3           26 years or be barred, except as provided in sub. (2d).

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

5           939.74 **(2)** (d) A prosecution for a violation of s. 948.051 shall be commenced  
6           before the victim reaches the age of 24 or be barred, except as provided in sub. (2d).

7           **SECTION 4.** 939.74 (2d) (b) of the statutes, as affected by 2005 Wisconsin Acts  
8           60 and 276, is repealed and recreated to read:

9           939.74 **(2d)** (b) If, before the time limitation under sub. (1) for commencing  
10          prosecution of a violation of s. 940.225 (1) expires, the state collects biological  
11          material that is evidence of the identity of the person who committed the violation,  
12          identifies a deoxyribonucleic acid profile from the biological material, and compares  
13          the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons,  
14          the state may commence prosecution of the person who is the source of the biological  
15          material for the violation of s. 940.225 (1) at any time after comparison of the  
16          deoxyribonucleic acid profile relating to the violation results in a probable  
17          identification of the person or within the applicable time under sub. (1), whichever  
18          is later, and may commence prosecution of the person who is the source of the  
19          biological material for a crime that is related to the violation under s. 940.225 (1)  
20          within 12 months after comparison of the deoxyribonucleic acid profile relating to the  
21          violation results in a probable identification of the person or within the applicable  
22          time under sub. (1) or (2), whichever is latest.

23          **SECTION 5.** 939.74 (2d) (c) of the statutes is amended to read:

24          939.74 **(2d)** (c) If, before the applicable time limitation under sub. (1) or (2)  
25          (am), (c) expired, (cm), or (d) for commencing prosecution of a felony under ch. 940

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1 or 948, other than a felony under s. 940.225 (1) or a felony specified in sub. (2) (a),  
2 expires, the state collected collects biological material that is evidence of the identity  
3 of the person who committed ~~a violation of s. 948.02 (2) or 948.025 (1) (e) the felony,~~  
4 ~~the state identified~~ identifies a deoxyribonucleic acid profile from the biological  
5 material, and ~~comparisons of that~~ compares the deoxyribonucleic acid profile to  
6 deoxyribonucleic acid profiles of known persons ~~did not result in a probable~~  
7 ~~identification of the person who is the source of the biological material,~~ the state may  
8 commence prosecution of the person who is the source of the biological material for  
9 the ~~violation of s. 948.02 (2) or 948.025 (1) (e) felony~~ or a crime that is related to the  
10 ~~violation~~ felony or both within 12 months after comparison of the deoxyribonucleic  
11 acid profile relating to the ~~violation~~ felony results in a probable identification of the  
12 person or within the applicable time under sub. (1) or (2), whichever is latest.

13 **SECTION 6.** 939.74 (2d) (d) of the statutes is repealed.

14 **SECTION 7.** 939.74 (2d) (e) of the statutes is created to read:

15 939.74 **(2d)** (e) If, within 6 years after commission of a felony specified under  
16 sub. (2) (a), the state collects biological material that is evidence of the identity of the  
17 person who committed the felony, identifies a deoxyribonucleic acid profile from the  
18 biological material, and compares the deoxyribonucleic acid profile to  
19 deoxyribonucleic acid profiles of known persons, the state may commence  
20 prosecution of the person who is the source of the biological material for a crime that  
21 is related to the felony within 12 months after comparison of the deoxyribonucleic  
22 acid profile relating to the felony results in a probable identification of the person or  
23 within the applicable time under sub. (1) or (2), whichever is latest.

24 **SECTION 8. Initial applicability.**

