

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4251/P2dn  
RLR:kjf:rs

March 11, 2010

1. In proposed s. 165.76 (1) (g), the draft refers to persons who are “required” rather than “ordered” to provide a biological specimen under s. 51.20 (13) (cr), 938.34 (15m), 971.17 (1m) (a), 973.047, or 980.063 because those sections use the term “require.”
2. All of the provisions under proposed s. 165.76 (2m) that direct a person to provide a specimen at the office of the county sheriff or as directed by the agency that has supervision could be read to allow the person to make the choice as to which method to follow. Do you instead want to say that the person shall provide a specimen at the office of the county sheriff, except, if the supervising agency directs the person to provide the sample at a different place or to a different person, the person shall provide the sample as directed?
3. Did you intentionally omit reference to juveniles placed in a secured residential care center for children and youth under proposed s. 165.76 (2m) (e)? Are such juveniles covered under proposed s. 165.76 (2m) (c)?
4. The drafting instructions for proposed s. 165.76 (6) state that the order shall be personally served upon the respondent in the manner provided under ch. 801. Do you mean to allow service in any manner provided under s. 801.11 (1) or (2) or only personal service as provided under 801.11 (1) (a) or (2).
5. I did not include a form for an order under proposed s. 165.76 (6). If you have language you would like to use, please provide it.
6. I did not change “specify” to “clarify” in the analysis. The analysis briefly describes current law requirements to provide a DNA sample. Readers may draw their own conclusions as to whether the requirement to provide a DNA sample is a continuing requirement. By using the term “specify” to describe what the bill does rather than stating that the bill “provides for” or “authorizes” collection of DNA after a person has served a sentence, I am not drawing a conclusion as to whether the current law requirement to provide a DNA sample is ongoing.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.wisconsin.gov