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Details:

(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2009-10

(session year)

### Assembly

(Assembly, Senate or Joint)

### Committee on ... Criminal Justice (AC-CJ)

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Assembly

### Record of Committee Proceedings

#### **Committee on Criminal Justice**

##### **Assembly Bill 514**

Relating to: time limitations for commencing prosecution of crimes.

By Representatives Staskunas, Jorgensen, Parisi, Kerkman, Suder, Wood, Turner, Roys, Cullen, Gunderson, Berceau, Pope-Roberts, Sinicki, A. Ott, Knodl, Hraychuck and Ballweg; cosponsored by Senators Risser, A. Lasee, Olsen, Coggs and Kedzie.

October 23, 2009      Referred to Committee on Criminal Justice.

November 12, 2009    **PUBLIC HEARING HELD**

Present:    (9)      Representatives Turner, Kessler, Staskunas,  
Pasch, Kleefisch, Friske, Kramer, Brooks and  
Ripp.

Absent:    (2)      Representatives Hraychuck and Soletski.

##### Appearances For

- Tony Staskunas, West Allis — State Representative, 15th Assembly District

##### Appearances Against

- None.

##### Appearances for Information Only

- None.

##### Registrations For

- Fred Risser, Madison — State Senator
- J.B. Van Hollen — Attorney General, WI Department of Justice

##### Registrations Against

- None.

##### Registrations for Information Only

- None.

February 4, 2010    **EXECUTIVE SESSION HELD**

Present: (10) Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Friske, Kramer, Brooks, Ripp.

Absent: (1) Representative Kessler.

Moved by Representative Staskunas, seconded by Representative Kleefisch that **Assembly Amendment 1** be recommended for adoption.

Ayes: (10) Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Friske, Kramer, Brooks, Ripp.

Noes: (0) None.

Absent: (1) Representative Kessler.

ASSEMBLY AMENDMENT 1 ADOPTION RECOMMENDED,  
Ayes 10, Noes 0


Moved by Representative Staskunas, seconded by Representative Kleefisch that **Assembly Bill 514** be recommended for passage.

Ayes: (10) Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Friske, Kramer, Brooks, Ripp.

Noes: (0) None.

Absent: (1) Representative Kessler.

PASSAGE RECOMMENDED, Ayes 10, Noes 0

  
\_\_\_\_\_  
Nancy McAdams  
Committee Clerk



## Vote Record Committee on Criminal Justice

Date: 2-4-10

Moved by: Rep Staskunas

Seconded by: Rep Kleefisch

AB 514 SB \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt 1  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:  
 Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Robert Turner, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frederick Kessler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Representative Anthony Staskunas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Ann Hraychuck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative James Soletski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sandy Pasch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joel Kleefisch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Donald Friske	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Bill Kramer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Edward Brooks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Keith Ripp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>10</u>	_____	_____	<u>1</u>

UNANI-  
MOS  
Consent

Motion Carried       Motion Failed







# ANTHONY J. STASKUNAS

STATE REPRESENTATIVE • 15th ASSEMBLY DISTRICT

SPEAKER PRO TEMPORE

## **AB 514 TESTIMONY November 12, 2009 Assembly Committee on Criminal Justice**

Chairman Turner and fellow members of the Assembly Committee on Criminal Justice, I am the Assembly author of AB 514.

This proposal relates to the time limitations for commencing prosecution of crimes in cases where DNA evidence has been collected.

Under current law, the state generally must commence prosecution of a felony within six years of the offense and within three years for a misdemeanor. There is no time limitation for commencing prosecution for most homicides or certain sexual assaults of a child.

Under AB 514 if the state collects DNA evidence in connection with a crime for any felony under 940 (crimes against life and bodily security) or 948 (crimes against children) before the statute of limitations for the crime runs out, the state may prosecute the crime within 12 months of making a DNA match.

Assembly Bill 514 also resolves an ambiguity resulting from adoption of 2005 Acts 60 and 276 as to how the DNA extension applies to crimes related to sexual assaults. Under this proposal, for cases in which the state collected DNA evidence in a timely manner, the state has 12 months from the date of making a DNA match to prosecute a crime that is related to a felony under Chapters 940 or 948.

Assembly Bill 514 clarifies that if a DNA match is made in a first-degree sexual assault case, the state may prosecute the assault any time after the match has been made. In cases with multiple perpetrators, or multiple crimes were committed, the prosecution could benefit from the additional time needed to complete the case and initiate prosecution. This legislation clarifies that the DNA prosecutorial extensions apply even if the DNA match is made before the original statute of limitations expires.

Our state's DNA database has been instrumental in the charging and prosecution of numerous crimes. For example, since the beginning of this year the state has used DNA in over a dozen cold-case homicides. While law enforcement doesn't rely on DNA evidence alone, its presence can be instrumental in successfully prosecuting criminal cases.

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We do need our criminal code to address statutes of limitation in order to allow a person charged with a crime to have their day in court on a timely basis, with the opportunity to confront their accusers. Enactment of AB 514 will balance the rights of defendant while also taking advantage of new DNA technology to ensure that the guilty individual is punished and the innocent persons are not penalized, no matter how much time has passed since the commission of the crime.

Mr. Chairman and members, thank you for your kind attention today. I would be happy to answer any questions you may have.