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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**

Nancy McAdams
Committee Clerk



McAdams, Nancy

From: Schmidt, Melissa
Sent: Wednesday, March 31, 2010 10:02 AM
To: McAdams, Nancy
Subject: RE: Criminal Justice -- DNA bills

Representative Turner,

This email includes a brief overview of the two DNA bills scheduled for a public hearing tomorrow.

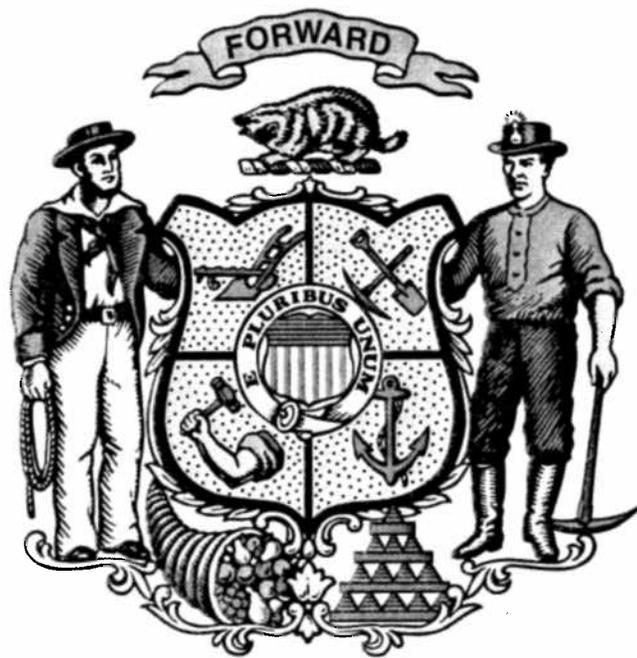
AB 896, introduced by Representative Barca, makes sure that everyone who is required to DNA samples gives the DNA to the sheriff. *(The exception is the collection process for people sentenced to prison. For people in prison, administrative rules require DNA to be collected by DOC.)* AB 896 does this by addressing (1) certain dispositions for certain felony sex offenses other than prison and (2) felonies given probation and certain misdemeanor sex offenses.

AB 893, introduced by Representative Staskunas, approaches collecting DNA samples differently. It does the following:

1. Clarifies that the requirement for giving a DNA sample does not expire when the person completes serving probation, a sentence, a delinquency disposition, or is released from commitments to a mental health institute.
2. Provides that DOJ may require a person to provide another DNA sample if the person already gave a sample but DOJ does not have DNA analysis results.
3. Establishes a process for the DA to petition to the court to compel a person to provide a DNA sample if the person is required to provide a DNA sample but refuses or fails to do so. (Right now, the court only orders certain offenders to provide a sample. Everyone else is just required to give a sample under ch. 165.)
4. Removes the need for DOJ rules regarding collection of DNA samples by clarifying when the offender is to give the sample to DOC, the sheriff, or DHS. ***(This provision is Representative Barca's bill, except in his bill, only the sheriff, or DOC if the person is sentenced to prison, collects the DNA.)***
5. Adds the requirement that a person (1) found not guilty by reason of mental disease or defect or (2) is in institutional care for a felony or certain misdemeanors must provide a DNA sample.

Thank you,

Melissa Schmidt
Staff Attorney
Wisconsin Legislative Council
(608) 266-2298





April 1, 2010

Co-Chair, Joint Committee on Audit
Committee on Financial Institutions
Chair, Partnership for a Stronger Economy
Committee on Jobs, the Economy & Small Business

Assembly Committee on Criminal Justice

Assembly Bill 896

Representative Peter Barca

Chairman Turner and members of the Assembly Committee on Criminal Justice, thank you for holding a public hearing on Assembly Bill 896, which will require the collection of a DNA sample immediately after sentencing while the convicted person is still in custody.

As you know, under current law anyone convicted of a felony must submit a DNA sample to be filed in the statewide database. However, in the wake of the arrest of suspected serial murderer Walter Ellis in Milwaukee, the Department of Justice found that samples for as many as 12,000 felons were missing from the state system.

I was shocked to learn about the missing DNA samples. The DNA database is an essential law enforcement tool in this day and age. We owe it to crime victims and all of our citizens to ensure that this system works properly. Senator Spencer Coggs and others shared my concern and we worked to develop the proposal that is before the committee today.

DNA is currently collected by several different agencies at various levels of government without a uniform process or timeline. This bill would require the collection of DNA immediately after sentencing.

An important aspect of this legislation is that in creating a single, standardized method for collecting all DNA samples, we will close the loophole found in current law which under certain circumstances allows some felons to walk out the front door without submitting a DNA sample.

Currently, a felon who receives a stayed sentence, is released for time previously served, or is released to the supervision of a probation officer is not required to provide a sample before leaving the courthouse. While under the current process the probation officer instructs the felon that they are required to submit a sample, it is up to the felon to appear and submit the sample to the authorities. This bill would require as a condition of release that the felon be temporarily placed in the custody of the sheriff to immediately submit a DNA sample.

DNA evidence is critical in investigating and solving some of the most serious crimes on the books. We must make every effort to ensure that this information is obtained, documented, and managed properly. I believe a single, streamlined process for DNA collection is the best way to eliminate future errors in coordination and communication, and attempts to prevent a situation such as the Walter Ellis case from ever happening again.

Thank you for your time today and I hope that we can count on your support on Assembly Bill 896 comes for a vote before this committee.



McAdams, Nancy

From: Egerer, Matt
Sent: Tuesday, April 13, 2010 6:38 PM
To: McAdams, Nancy
Subject: Assembly Bill 896

Nancy,

Representative Barca would like to request that Assembly Bill 896 be removed from the exec in Assembly Criminal Justice tomorrow. This is citing our concern that the bill seems to have hit a snag in the Senate committee.

I also want to make it clear that this was not due to the opinion of the leg council attorney, which both Representative Barca and I completely disagree with. Bills often do different things on the same issues, even covering the exact same provisions, and move forward – take the bills we’ve authored on regulating text messaging for example. But I don’t mean to editorialize.

Thanks again for all your help,

Matt Egerer
Office of Representative Peter Barca
608.266.5504