State of Wisconsin
2011 – 2012 LEGISLATURE

LRB–1569/1
PJH:jld:ph

2011 SENATE BILL 170

August 11, 2011 – Introduced by Senators S. COGGS and WANGGAARD, cosponsored by Representatives BARCA, BERCEAU, STASKUNAS and FIELDS. Referred to Committee on Labor, Public Safety, and Urban Affairs.

AN ACT ***to amend*** 165.765 (1) of the statutes; **relating to:** failing to provide a biological specimen for deoxyribonucleic acid analysis and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the following people are generally required to submit biological specimens to the crime laboratories for deoxyribonucleic acid (DNA) analysis: a person sentenced or placed on probation in Wisconsin for a felony (a crime for which a person may be sentenced to prison) or one of the several specified misdemeanors; a person found to be a sexually violent person; a person on probation, parole, or extended supervision in Wisconsin for a crime committed in another state that would be a felony if committed in Wisconsin; a person found not guilty by reason of mental disease or defect of, or institutionalized for, committing a felony or certain misdemeanors; and a juvenile adjudicated delinquent for certain felony sexual assaults or certain misdemeanors.

Under current law, the requirement to submit a DNA sample does not expire when the person completes serving his or her sentence or delinquency disposition or is released from a civil commitment. A person who is required to provide a biological specimen for DNA analysis and intentionally fails to do so is subject to a fine not to exceed $10,000 or imprisonment not to exceed nine months or both.

Under this bill, a person who is required to provide a biological specimen for DNA analysis and intentionally fails to do so is subject to a fine of not less than $15,000 nor more than $25,000 or imprisonment for not longer than one year and six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 165.765 (1) of the statutes is amended to read:

165.765 **(1)** Whoever intentionally fails to comply with a requirement to submit a biological specimen under s. 165.76, 938.34 (15), 973.047, or 980.063 may be fined not less than $15,000 nor more than ~~$10,000~~ $25,000 or imprisoned for not more than ~~9~~ 18 months or both.

(END)