

2011 DRAFTING REQUEST

Bill

Received: 03/02/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Spencer Coggs (608) 266-2500

By/Representing: dave de felice

May Contact:

Drafter: phurley

Subject: Criminal Law - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Coggs@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Failure to provide a DNA sample

Instructions:

redraft 09-3474 (SB 639)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 03/09/2011	jdyer 03/17/2011		_____			S&L Crime
/1			phenry 03/17/2011	_____	mbarman 03/17/2011	ggodwin 08/08/2011	

FE Sent For:

AT INFO

<END>

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/?	phurley	1/3 1/17 JLD	3/17 Ph	3/17 ph/jf			

FE Sent For:

<END>



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2009 Wisconsin Act 261
[2009 Senate Bill 631]

Submission of DNA Samples

2009 Wisconsin Act 261 amends the statutes relating to the required submission of DNA samples.

Act 261 amends the statutes to provide for the following:

1. A requirement to provide a DNA sample does not expire when a person completes serving probation, a sentence, or a delinquency disposition or is released from a civil commitment.
2. Regardless of whether a person has already provided a DNA sample, if the Department of Justice does not have an analysis for an individual person required to make the submission, the department may require the person to provide another DNA sample.
3. In addition to those persons under current law who must submit a DNA sample (for example, felons and persons convicted of certain misdemeanors), Act 261 provides that a person found not guilty by reason of mental disease or defect, or in institutional care on or after January 1, 2000, for a felony or certain misdemeanors, must provide a DNA sample. Also, a person required to submit a DNA sample who has been found not to do so, must provide a DNA sample as a result of this judgment.

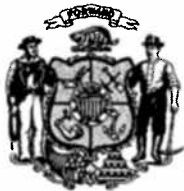
Effective date: The Act takes effect on May 22, 2010.

Prepared by: Ronald Sklansky, Senior Staff Attorney

May 20, 2010

RS:jal;ksm

This memo provides a brief description of the Act. For more detailed information,
consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.



State of Wisconsin
2009 - 2010 LEGISLATURE

2011 BILL

1569/1
LRB 3474/1
PJH:jld:md
keep

2009 SENATE BILL 639

LOS
PSE

4-9-11

March 23, 2010 - Introduced by Senators COGGS, CARPENTER, LEHMAN and PLALE, cosponsored by Representatives BARCA, CULLEN, TURNER, BRES, POPE-ROBERTS, YOUNG, ZEPNICK and VRUWINK. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

4

Gen

generally

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

Analysis by the Legislative Reference Bureau

Under current law, the following people are 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; and a person found not guilty by reason of mental disease or defect or adjudicated delinquent for certain felony sexual assaults.

In addition, a court may order a juvenile who is adjudicated delinquent for certain other offenses to provide a biological specimen for DNA analysis. 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.

Insert ANALYSIS

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1569/?ins

INSERT ANALYSIS ^g6:

~~§~~ 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. NOA

(end ins)

Godwin, Gigi

From: Godwin, Gigi
Sent: Monday, August 08, 2011 2:08 PM
To: de Felice, David Patrick
Subject: RE: Request for stripes

I will take care of it. Thanks, Gigi

Gigi Godwin, Program Assistant
State of Wisconsin - Legislative Reference Bureau
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-3561
Gigi.Godwin@legis.wisconsin.gov

From: de Felice, David Patrick
Sent: Monday, August 08, 2011 2:05 PM
To: Godwin, Gigi
Subject: RE: Request for stripes

Yes, I'd like them jacketed. Today or tomorrow is fine.

Thanks,

Dave de Felice
Office of Sen. Spencer Coggs
608-266-2500

From: Godwin, Gigi
Sent: Monday, August 08, 2011 2:05 PM
To: de Felice, David Patrick
Subject: RE: Request for stripes

Hi Dave. Just to make sure I am on the same page, you'd like these drafts jacketed? And if so, would you like them today.
Thanks much, Gigi

Gigi Godwin, Program Assistant
State of Wisconsin - Legislative Reference Bureau
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-3561
Gigi.Godwin@legis.wisconsin.gov

From: de Felice, David Patrick
Sent: Monday, August 08, 2011 2:02 PM
To: LRB.Legal
Subject: Request for stripes

Please send the stripes for these LRBs to the office.

Thank you,

Dave de Felice

Office of Sen. Spencer Coggs
608-266-2500

DNA: Enhanced penalties LRB1569

DNA: Sheriff collects LRB 1570

Firearms background checks: LRB 1571

Voting - Challenged ballots: LRB 1572

Minority procurement: LRB 1587

Voter ID - Free birth certificates: LRB 2327