Received By: chanaman

# 2011 DRAFTING REQUEST

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Received: 02/02/2012

Wanted: As time permits			Companion to LRB: -3793				
For: <b>Robert Cowles</b> (608) 266-0484			By/Representing:				
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Subject:	Subject: Criminal Law - procedure Criminal Law - sentencing				Addl. Drafters:		
				Extra Copies:			
Submit via	email: YES						
Requester'	s email:	Sen.Cowles	@legis.wisc	consin.gov			
Carbon co	py (CC:) to:						
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# 2011 DRAFTING REQUEST

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Received By: chanaman

# 2011 DRAFTING REQUEST

Bill

Received: 02/02/2012

Wanted: As time permits		Companion to LRB: -3793						
For: Robert Cowles (608) 266-0484			By/Representing:					
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### State of Misconsin 2011 - 2012 **LEGISLATURE**



**2011 BILL** 

Consumo Jorges

AN ACT to repeal 939.74 (2d) (b); to renumber and amend 939.74 (2) (a); to

**amend** 939.74 (2d) (c); and **to create** 939.74 (2) (a) 2. of the statutes; **relating** 

to: statute of limitations for first-degree sexual assault, attempted homicide,

and attempted first-degree sexual assault.

### Analysis by the Legislative Reference Bureau

Under current law, with exceptions, a prosecution for a felony must be commenced within six years of the commission of the felony. Under current law, exceptions include first-degree intentional homicide, second-degree intentional homicide, and first-degree sexual assault of a child; prosecution for these crimes may be commenced at any time. Under this bill, first-degree sexual assault of an adult is added to the exceptions so that a prosecution for this offense may be commenced at any time. Also, under the bill, prosecution for attempts to commit first-degree intentional homicide, second-degree intentional homicide, and first-degree sexual assault of an adult or a child may occur at any time.

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:

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Section 1.	939.74 (2) (a)	of the statutes	is renumbered	939.74 (2)	(a)	1. and
amended to read:						

- 939.74 **(2)** (a) 1. A prosecution under s. 940.01, 940.02, 940.03, 940.05, <u>940.225</u> (1), 948.02 (1), or 948.025 (1) (a), (b), (c), or (d) may be commenced at any time.
  - **Section 2.** 939.74 (2) (a) 2. of the statutes is created to read:
- 939.74 **(2)** (a) 2. A prosecution for an attempt to commit a violation of s. 940.01, 940.05, 940.225 (1), or 948.02 (1) may be commenced at any time.
  - **Section 3.** 939.74 (2d) (b) of the statutes is repealed.
  - **Section 4.** 939.74 (2d) (c) of the statutes is amended to read:
    - 939.74 (2d) (c) If, before the applicable time limitation under sub. (1) or (2) (am), (c), (cm), or (d) for commencing prosecution of a felony under ch. 940 or 948, other than a felony under s. 940.225 (1) or a felony specified in sub. (2) (a), expires, the state collects biological material that is evidence of the identity of the person who committed the felony, identifies a deoxyribonucleic acid profile from the biological material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological material for the felony or a crime that is related to the felony or both within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony results in a probable identification of the person or within the applicable time under sub. (1) or (2), whichever is latest.

### **SECTION 5. Initial applicability.**

(1) Notwithstanding section 990.06 of the statutes, this act first applies to an act for which the time limit under section 939.74 (1) of the statutes for prosecution has not expired as of the effective date of this subsection.

#### Parisi, Lori

From: Smith, Ryan

Sent: Thursday, February 02, 2012 12:13 PM

To: LRB.Legal

Subject: Draft Review: LRB 11-4008/1 Topic: Statute of limitations and attempted homicide

Please Jacket LRB 11-4008/1 for the SENATE.