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State of Misconsin 2011 - 2012 LEGISLATURE



2011 ASSEMBLY BILL 552

1	AN ACT to repeal 939.74 (2d) (b); to renumber and amend 939.74 (2) (a); to
2	amend 939.74 (2d) (c); and to create 939.74 (2) (a) 2. of the statutes; relating
3	to: statute of limitations for first-degree sexual assault, attempted homicide,
4	and attempted first-degree sexual assault.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: SECTION 1. 939.74 (2) (a) of the statutes is renumbered 939.74 (2) (a) 1. and amended to read:

- 7 939.74 (2) (a) 1. A prosecution under s. 940.01, 940.02, 940.03, 940.05, <u>940.225</u>
- 8 (<u>1)</u>, 948.02 (1), or 948.025 (1) (a), (b), (c), or (d) may be commenced at any time.
- 9 **SECTION 2.** 939.74 (2) (a) 2. of the statutes is created to read:
- 10 939.74 (2) (a) 2. A prosecution for an attempt to commit a violation of s. 940.01,
- 11 940.05, 940.225 (1), or 948.02 (1) may be commenced at any time.

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LRB-3793/en SRM:cjs:... SECTION 3

1	SECTION 3. 939.74 (2d) (b) of the statutes is repealed.
2	SECTION 4. 939.74 (2d) (c) of the statutes is amended to read:
3	939.74 (2d) (c) If, before the applicable time limitation under sub. (1) or (2)
4	(am), (c), (cm), or (d) for commencing prosecution of a felony under ch. 940 or 948,
5	other than <u>a felony under s. 940.225 (1) or</u> a felony specified in sub. (2) (a), expires,
6	the state collects biological material that is evidence of the identity of the person who
7	committed the felony, identifies a deoxyribonucleic acid profile from the biological
8	material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid
9	profiles of known persons, the state may commence prosecution of the person who
10	is the source of the biological material for the felony or a crime that is related to the
11	felony or both within 12 months after comparison of the deoxyribonucleic acid profile
12	relating to the felony results in a probable identification of the person or within the
13	applicable time under sub. (1) or (2), whichever is latest.

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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.

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(END)