

ASSEMBLY BILL 552 (LRB -3793)

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. (FE)

2012

02-09. A. Introduced by Representatives **Steineke, Petryk, Bernard Schaber, Bernier, Endsley, Jacque, Kerkman, T. Larson, Litjens, Marklein, Nygren, A. Ott, Rivard, Severson, Spanbauer, Stroebel, Tranel, Wynn, Ziegelbauer, Bies and Danou**; cosponsored by Senators Cowles and Lassa. 784

02-09. A. Read first time and referred to committee on Criminal Justice and Corrections 856

02-21. A. Fiscal estimate received.

02-21. A. Fiscal estimate received.

02-22. A. Fiscal estimate received.

02-23. A. Public hearing held.

02-23. A. Executive action taken.

02-27. A. Report passage recommended by committee on Criminal Justice and Corrections, Ayes 7, Noes 1 856

02-27. A. Referred to committee on Rules 856

03-01. A. Assembly amendment 1 offered by Representative Kessler (**LRB a2492**) 866

03-02. A. Placed on calendar 3-6-2012 by committee on Rules.

03-06. A. Read a second time 892

03-06. A. Assembly amendment 1 laid on table, Ayes 62, Noes 35 892

03-06. A. Ordered to a third reading 892

03-06. A. Rules suspended 892

03-06. A. Read a third time and **passed**, Ayes 88, Noes 9 892

03-06. A. Ordered immediately messaged 893

03-07. S. Received from Assembly 774

03-07. S. Read first time and referred to committee on Senate Organization 774

03-07. S. Available for scheduling.

03-12. S. Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 3, Noes 2 788

03-12. S. Placed on calendar 3-13-2012 pursuant to Senate Rule 18(1) 789

03-13. S. Read a second time.

03-13. S. Ordered to a third reading.

03-13. S. Rules suspended.

03-13. S. Read a third time and **concurred in**.

03-13. S. Ordered immediately messaged.

03-13. A. Received from Senate concurred in 911

MB

**2011
ENROLLED BILL**

11en AB-552

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

11-3793/3 ✓

Amendments to above (if none, write "NONE"): None ✓

Corrections - show date (if none, write "NONE"): None ✓

Topic Rel

3-15-12
Date

[Signature]
Enrolling Drafter



2011 ASSEMBLY BILL 552

February 9, 2012 - Introduced by Representatives STEINEKE, PETRYK, BERNARD SCHABER, BERNIER, ENDSLEY, JACQUE, KERKMAN, T. LARSON, LITJENS, MARKLEIN, NYGREN, A. OTT, RIVARD, SEVERSON, SPANBAUER, STROEBEL, TRANEL, WYNN, ZIEGELBAUER, BIES and DANOU, cosponsored by Senators COWLES and LASSA. Referred to Committee on Criminal Justice and Corrections.

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

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:

ASSEMBLY BILL 552**SECTION 1**

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

3 939.74 (2) (a) 1. A prosecution under s. 940.01, 940.02, 940.03, 940.05, 940.225
4 (1), 948.02 (1), or 948.025 (1) (a), (b), (c), or (d) may be commenced at any time.

5 **SECTION 2.** 939.74 (2) (a) 2. of the statutes is created to read:

6 939.74 (2) (a) 2. A prosecution for an attempt to commit a violation of s. 940.01,
7 940.05, 940.225 (1), or 948.02 (1) may be commenced at any time.

8 **SECTION 3.** 939.74 (2d) (b) of the statutes is repealed.

9 **SECTION 4.** 939.74 (2d) (c) of the statutes is amended to read:

10 939.74 (2d) (c) If, before the applicable time limitation under sub. (1) or (2)
11 (am), (c), (cm), or (d) for commencing prosecution of a felony under ch. 940 or 948,
12 other than ~~a felony under s. 940.225 (1)~~ or a felony specified in sub. (2) (a), expires,
13 the state collects biological material that is evidence of the identity of the person who
14 committed the felony, identifies a deoxyribonucleic acid profile from the biological
15 material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid
16 profiles of known persons, the state may commence prosecution of the person who
17 is the source of the biological material for the felony or a crime that is related to the
18 felony or both within 12 months after comparison of the deoxyribonucleic acid profile
19 relating to the felony results in a probable identification of the person or within the
20 applicable time under sub. (1) or (2), whichever is latest.

21 **SECTION 5. Initial applicability.**

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

25

(END)