

## 2011 DRAFTING REQUEST

### Bill

Received: 01/11/2012

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Jim Steineke (608) 266-2418**

By/Representing: **himself**

May Contact:

Drafter: **chanaman**

Subject: **Criminal Law - procedure**  
**Criminal Law - sentencing**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Steineke@legis.wi.gov**

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Statute of limitations and attempted homicide

---

### Instructions:

See attached

---

### 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>
/?	chanaman 01/11/2012	mduchek 01/12/2012		_____			S&L
/1	chanaman 01/16/2012	mduchek 01/17/2012	jmurphy 01/12/2012	_____	lparisi 01/12/2012		S&L
/2	chanaman 02/01/2012	mduchek 02/01/2012	phenry 01/17/2012	_____	lparisi 01/17/2012	mbarman 01/25/2012	S&L
/3			jmurphy 02/01/2012	_____	ggodwin 02/01/2012	ggodwin 02/01/2012	

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/2			phenry 01/17/2012	_____	lparisi 01/17/2012	mbarman 01/25/2012	

FE Sent For:

*MD*  
2/1/12  
13

*jm*  
2/1

*rs+dm*  
2/1

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/1			<i>YN</i> jmurphy 01/12/20	<i>ph ph/ND</i>	lparisi 01/12/2012		

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/?

chanaman

*MD*  
*1/11*  
*Jm*  
*1/12*  
*H & Jm*  
*1/12/12*

FE Sent For:

<END>





State of Wisconsin  
2011 - 2012 LEGISLATURE



3793/1

LRB-37147

CMH:/:....

*Judas*

*med*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 *original*

AN ACT... relating to: statute of limitations for ~~various~~ *attempted homicide* crimes.

*and*  
**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, first-degree sexual assault of a child, and repeated sexual assault of a child; prosecution for these crimes may be commenced at any time. Under this bill, prosecution for attempts to commit these violations 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:**

2 SECTION 1. 939.74 (2) (a) of the statutes is renumbered 939.74 (2) (a) 1.

History: 1981 c. 280; 1985 a. 275; 1987 a. 332, 380, 399, 403; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237; 2001 a. 16, 109; 2003 a. 196, 279, 326; 2005 a. 60, 276, 277; 2007 a. 80, 97, 116; 2009 a. 203.

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

4 939.74 (2) (a) 2. A prosecution for an attempt to commit a violation of s. 940.01 *or*

5 940.05, 948.02 (1), or 948.025 (1) (a), (b), (c), or (d) may be commenced at any time.

6 SECTION 3. Initial applicability.

1

(1) Notwithstanding section 990.06 of the statutes, this act first applies to <sup>an</sup> acts ~~to~~

2

for which the time limit under section 939.74 (1) of the statutes for prosecution has

3

not expired.

4

(END)

as of the  
effective date of  
this subsection

## Hanaman, Cathlene

---

**From:** Jim Steineke [jim@jimsteineke.com]  
**Sent:** Friday, January 13, 2012 6:28 PM  
**To:** Hanaman, Cathlene  
**Subject:** Submitted: LRB 11-3793/1 Topic: Statute of limitations and attempted homicide?body=

Cathlene - Thanks for doing this so quickly. I'd like to add one thing before we go forward, and that is to also eliminate the statute of limitations on first degree sexual assault of an adult. Under current law I believe there is no statute of limitations on first degree sexual assault of a minor and I'd like to make this consistent regardless of age. If you have any questions, please feel free to call me at 920-257-8247

Representative Jim Steineke  
5th Assembly District  
888-534-0005  
608-266-2418



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3793/1  
CMH:med:jm

Tuesday if possible

1  
stays

2011 BILL

first-degree sexual assault and for

1 AN ACT to renumber 939.74 (2) (a); and to create 939.74 (2) (a) 2. of the statutes;

2

relating to: statute of limitations for attempted homicide.  
first-degree sexual

and first-degree sexual assault of a child

**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 and second-degree intentional homicide; prosecution for these crimes may be commenced at any time. Under this bill, prosecution for attempts to commit these violations may occur at any time. INS P

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

intentional

first-degree intentional homicide or second-degree intentional homicide

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

3 SECTION 1. 939.74 (2) (a) of the statutes is renumbered 939.74 (2) (a) 1.

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

INS  
1-4

5 939.74 (2) (a) 2. A prosecution for an attempt to commit a violation of s. 940.01

6 or 940.05 may be commenced at any time.

7 SECTION 3. Initial applicability.

INS  
1-7



2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3793/2ins  
CMH:.....

1

Insert A

*Also*  
*the* Under this bill, *the* first-degree sexual assault of *an* adult is added to *the* list of exceptions so that a prosecution for this offense may be commenced at any time.

2

3

Insert 1-4

4

SECTION 1. 939.74 (2) (a) of the statutes is renumbered 939.74 (2) (a) 1. and

5

amended to read:

6

939.74 (2) (a) *1.* A prosecution under s. 940.01, 940.02, 940.03, 940.05, 940.225

7

(1), 948.02 (1), or 948.025 (1) (a), (b), (c), or (d) may be commenced at any time.

History: 1981 c. 280; 1985 a. 275; 1987 a. 332, 380, 399, 403; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237; 2001 a. 16, 109; 2003 a. 196, 279, 326; 2005 a. 60, 276, 277; 2007 a. 80, 97, 116; 2009 a. 203.

8

9

Insert 1-7

10

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

11

SECTION 3. 939.74 (2d) (c) of the statutes is amended to read:

12

939.74 (2d) (c) If, before the applicable time limitation under sub. (1) or (2)

13

(am), (c), (cm), or (d) for commencing prosecution of a felony under ch. 940 or 948,

14

other than *strike space* a felony under s. ~~940.225 (1)~~ or a felony specified in sub. (2) (a), expires,

15

the state collects biological material that is evidence of the identity of the person who

16

committed the felony, identifies a deoxyribonucleic acid profile from the biological

17

material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid

18

profiles of known persons, the state may commence prosecution of the person who

19

is the source of the biological material for the felony or a crime that is related to the

20

felony or both within 12 months after comparison of the deoxyribonucleic acid profile

- 1 relating to the felony results in a probable identification of the person or within the
- 2 applicable time under sub. (1) or (2), whichever is latest.

**History:** 1981 c. 280; 1985 a. 275; 1987 a. 332, 380, 399, 403; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237; 2001 a. 16, 109; 2003 a. 196, 279, 326; 2005 a. 60, 276, 277; 2007 a. 80, 97, 116; 2009 a. 203.

**Parisi, Lori**

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**From:** Steineke, Jim  
**Sent:** Wednesday, January 25, 2012 11:25 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3793/2 Topic: Statute of limitations and attempted homicide

Please Jacket LRB 11-3793/2 for the ASSEMBLY.





3

Stays

2011 BILL

Today please

SA ✓

Repeal act

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 and for attempted  
4 homicide. and attempted first-degree sexual assault

first-degree

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, prosecution for attempts to commit first-degree intentional homicide or second-degree intentional homicide may occur at any time. Also, 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.

and first sexual assault of an adult or a child  
child

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:

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

**BILL**

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

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

4 939.74 (2) (a) 2. A prosecution for an attempt to commit a violation of s. 940.01  
5 or 940.05 may be commenced at any time.

Handwritten notes:   
- A large bracket underlines the text from line 4 to 5, with an arrow pointing to 'or' above it.  
- Next to '940.05' is written '940.225 (1)'.  
- Next to 'or 940.05' is written '948.02 (1)'.  
- To the right, 'or 948.025' is written with '(1) (a), (b), (c), or (d)' below it.  
- There are also some scribbles and a '3' written above the 'or' in line 4.

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

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

8 939.74 (2d) (c) If, before the applicable time limitation under sub. (1) or (2)  
9 (am), (c), (cm), or (d) for commencing prosecution of a felony under ch. 940 or 948,  
10 other than a felony under s. 940.225 (1) or a felony specified in sub. (2) (a), expires,  
11 the state collects biological material that is evidence of the identity of the person who  
12 committed the felony, identifies a deoxyribonucleic acid profile from the biological  
13 material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid  
14 profiles of known persons, the state may commence prosecution of the person who  
15 is the source of the biological material for the felony or a crime that is related to the  
16 felony or both within 12 months after comparison of the deoxyribonucleic acid profile  
17 relating to the felony results in a probable identification of the person or within the  
18 applicable time under sub. (1) or (2), whichever is latest.

**SECTION 5. Initial applicability.**

19  
20 (1) Notwithstanding section 990.06 of the statutes, this act first applies to an  
21 act for which the time limit under section 939.74 (1) of the statutes for prosecution  
22 has not expired as of the effective date of this subsection.

23 (END)

**Godwin, Gigi**

---

**From:** Jim Steineke [jim@jimsteineke.com]  
**Sent:** Wednesday, February 01, 2012 3:44 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3793/3 Topic: Statute of limitations and attempted homicide

Please Jacket LRB 11-3793/3 for the ASSEMBLY.

Representative Jim Steineke  
5th Assembly District  
888-534-0005  
608-266-2418