2011 SENATE BILL 170

August 11, 2011 – Introduced by Senators S. COGGS and WANGGAARD, cosponsored by Representatives BARCA, BERCEAU, STASKUNAS and FIELDS. Referred to Committee on Labor, Public Safety, and Urban Affairs.

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

Analysis by the Legislative Reference Bureau

Under current law, the following people are generally 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; a person found not guilty by reason of mental disease or defect 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. 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
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report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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:

SECTION 1. 165.765 (1) of the statutes is amended to read:

165.765 (1) Whoever intentionally fails to comply with a requirement to submit a biological specimen under s. 165.76, 938.34 (15), 973.047, or 980.063 may be fined not less than $15,000 nor more than $25,000 or imprisoned for not more than 18 months or both.

(END)