



**SENATE AMENDMENT 4,  
TO SENATE BILL 373**

March 11, 2014 – Offered by Senators HARSDORF and PETROWSKI.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 8: after “standards” insert “, deoxyribonucleic acid submission  
3 and testing and the deoxyribonucleic acid analysis surcharge,”.

4 **2.** Page 5, line 22: after that line insert:

5 “**SECTION 10c.** 165.76 (1) (gm) of the statutes, as created by 2013 Wisconsin Act  
6 20, is amended to read:

7 165.76 (1) (gm) Is arrested for a felony, or is taken into custody for a juvenile  
8 offense that would be a felony if committed by an adult in this state, ~~and s. 165.84~~  
9 ~~(7) (am) 1., 2., 3., or 4. applies to the person.~~

10 **SECTION 10e.** 165.76 (4) (c) of the statutes, as created by 2013 Wisconsin Act  
11 20, is amended to read:

12 165.76 (4) (c) Allow a biological specimen, or data obtained from analysis of a  
13 biological specimen, obtained under this section ~~or, under~~ s. 51.20 (13) (cr), ~~165.84~~

1       ~~(7)~~, 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, or  
2       980.063, or, if the specimen is required to be analyzed under s. 165.84 (7) (am) 1m.,  
3       under s. 165.84 (7) (a), to be submitted for inclusion in an index established under  
4       42 USC 14132 (a) or in another national index system.

5           **SECTION 10g.** 165.77 (3) of the statutes, as affected by 2013 Wisconsin Act 20,  
6       is amended to read:

7           165.77 (3) If the laboratories receive a human biological specimen under s.  
8       51.20 (13) (cr), 165.76, ~~165.84 (7) (am)~~, 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02  
9       (8), 971.17 (1m) (a), 973.047, or 980.063, the laboratories shall analyze the  
10       deoxyribonucleic acid in the specimen. If the laboratories receive a human biological  
11       specimen under s. 165.84 (7) (a), the laboratories shall analyze the deoxyribonucleic  
12       acid in the specimen as provided under s. 165.84 (7) (am) 1m. The laboratories shall  
13       maintain a data bank based on data obtained from deoxyribonucleic acid analysis of  
14       those specimens. The laboratories may compare the data obtained from one  
15       specimen with the data obtained from other specimens. The laboratories may make  
16       data obtained from any analysis and comparison available to law enforcement  
17       agencies in connection with criminal or delinquency investigations and, upon  
18       request, to any prosecutor, defense attorney or subject of the data. The data may be  
19       used in criminal and delinquency actions and proceedings.

20           **SECTION 10i.** 165.84 (7) (a) and (b) of the statutes, as created by 2013 Wisconsin  
21       Act 20, are consolidated, renumbered 165.84 (7) (a) and amended to read:

22           165.84 (7) (a) Subject to rules promulgated by the department of justice under  
23       s. 165.76 (4), all persons in charge of law enforcement and tribal law enforcement  
24       agencies shall obtain, when the individual's fingerprints or other identifying data  
25       are obtained, a biological specimen for deoxyribonucleic acid analysis from each

1 individual arrested for a felony and each individual taken into custody for a juvenile  
2 offense that would be a felony if committed by an adult in this state. (b) ~~Biological~~  
3 ~~samples required under par. (a) shall be obtained and, if par. (am) requires,~~  
4 ~~submitted as~~ The law enforcement agency shall submit the biological specimen to the  
5 crime laboratories in a manner specified in the rules promulgated by the department  
6 of justice under s. 165.76 (4).

7 **SECTION 10k.** 165.84 (7) (am) (intro.) of the statutes, as created by 2013  
8 Wisconsin Act 20, is amended to read:

9 165.84 (7) (am) (intro.) ~~The person in charge of the law enforcement or tribal~~  
10 ~~law enforcement agency shall submit the~~ After receiving an individual's specimen to  
11 submitted under par. (a), the crime laboratories for shall do one of the following:

12 1m. If, within the time limit under subd. 2m., the court notifies the crime  
13 laboratories under par. (bm) that any of the following applies, analyze the  
14 deoxyribonucleic acid analysis in the specimen and inclusion of include the  
15 individual's deoxyribonucleic acid profile in the data bank under s. 165.77 (3) only  
16 if any of the following applies:

17 **SECTION 10m.** 165.84 (7) (am) 1., 2., 3. and 4. of the statutes, as created by 2013  
18 Wisconsin Act 20, are renumbered 165.84 (7) (am) 1m. a., b., c. and d., and 165.84 (7)  
19 (am) 1m. c. and d., as renumbered, are amended to read:

20 165.84 (7) (am) 1m. c. The individual ~~fails~~ failed to appear at the initial  
21 appearance or preliminary examination or the person waives waived the  
22 preliminary examination.

23 d. The individual ~~fails~~ failed to appear for a delinquency proceeding under ch.  
24 938.

1           **SECTION 10n.** 165.84 (7) (bm) 1. of the statutes, as created by 2013 Wisconsin  
2 Act 20, is renumbered 165.84 (7) (bm) and amended to read:

3           165.84 (7) (bm) ~~Unless par. (am) 1. applies to the individual, the~~ The court shall  
4 notify the agency crime laboratories if par. (am) ~~2., 3., or 4.~~ 1m. a., b., c., or d. applies  
5 to an individual ~~the law enforcement or tribal law enforcement agency who has been~~  
6 arrested.

7           **SECTION 10q.** 165.84 (7) (bm) 2. of the statutes, as created by 2013 Wisconsin  
8 Act 20, is renumbered 165.84 (7) (am) 2m. and amended to read:

9           165.84 (7) (am) 2m. ~~Unless par. (am) 1. applies to the individual, if~~ If, one year  
10 after the date the biological sample was ~~obtained~~ submitted under par. (a), the court  
11 has not notified the crime laboratories under ~~subd. 1. the law enforcement or tribal~~  
12 ~~law enforcement agency~~ par. (bm) that par. (am) ~~2., 3., or 4.~~ subd. 1m. a., b., c., or d.  
13 applies to the individual, ~~the law enforcement or tribal law enforcement agency shall~~  
14 destroy the biological sample.”.

15           **3.** Page 18, line 2: after that line insert:

16           “**SECTION 29c.** 2013 Wisconsin Act 20, section 9326 (1) (h) is amended to read:  
17 [2013 Wisconsin Act 20] Section 9326 (1) (h) The treatment of section 973.047  
18 (1f) of the statutes first applies to ~~sentences imposed or probations placements made~~  
19 offenses committed on the effective date of this paragraph.

20           **SECTION 30c. Effective dates.** This bill takes effect on the day after  
21 publication, except as follows:

