



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 621

Assembly Amendments 1 and 2

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BACKGROUND

Current law specifies under what conditions a person whose deoxyribonucleic acid (DNA) analysis data has been included in the Department of Justice's (DOJ) DNA data bank may request expungement of all records and identifiable information in the data bank pertaining to that person. If DOJ determines that the conditions are satisfied, DOJ must expunge all such records and identifiable information, as well as destruction of all DNA samples from the person. One of the conditions under which a person may request such expungement is when the trial court reached a final disposition for all charges for which the person was required to provide a DNA sample under current law, and the person was found not guilty of a violent crime in connection with any such charge.

2015 ASSEMBLY BILL 621

2015 Assembly Bill 621 (the bill) amends current law to instead require a court to inform DOJ when it reaches a final disposition for **any charge or allegation** for which a person was required by law to provide a DNA sample and the person was not adjudged guilty or delinquent for any such charge or allegation. Upon receiving such information, the crime laboratories must purge all records and identifiable information in the data bank pertaining to that person, and destroy all DNA samples from the person, related to **that charge or allegation**.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 (AA 1) amends the bill to require a court to inform DOJ when it reaches a final disposition of not guilty or delinquent for **all charges or allegations**, and not when it reaches such final disposition for any charge or allegation. Similarly, AA 1 also requires the crime laboratories to destroy all DNA samples related to all such charges or allegations.

ASSEMBLY AMENDMENT 2

Assembly Amendment 2 (AA 2) amends the bill to require the crime laboratories to maintain any record, information, or sample that is required to be expunged or purged under the bill, if the person is otherwise obligated to have a specimen in the data bank and complying with the requirement would result in a need to obtain a new specimen from the person.

BILL HISTORY

Representative Knudson introduced AA 1 on January 19, 2016 and AA 2 on January 26, 2016. On February 11, 2016, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of both AA 1 and AA 2, as well as passage of the bill, as amended, by subsequent votes of Ayes, 12; Noes, 0.

MS:jal