

2019 DRAFTING REQUEST

Bill

For: Gary Hebl (608) 266-7678 Drafter: chanaman
 By: Secondary Drafters:
 Date: 8/28/2018 May Contact:

Same as LRB:

Submit via email: YES
 Requester's email: Rep.Hebl@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Automatic expungement of DNA if not guilty

Instructions:

See attached-

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 8/28/2018	aernsttr 8/28/2018			
/1			mbarman 8/28/2018	dwalker 9/17/2018	State S&L

FE Sent For: *2 at intro* <END>

Hanaman, Cathlene

From: Stoa, Chris
Sent: Tuesday, August 28, 2018 10:30 AM
To: Hanaman, Cathlene
Subject: 2019 Redrafts

Hi Cathlene,

Could we please get the following bills re-drafted for the 2019 session:


LRB-4643/1

Chris Stoa
Office of Representative Gary Hebl
Phone: 608.266.7678
Fax: 608-282-3646



State of Wisconsin
2017 - 2018 LEGISLATURE

0093/1
LRB-4643/1
CMH:amj
De
ahz

2017 ASSEMBLY BILL 799

December 28, 2017 - Introduced by Representatives HEBL, ANDERSON, BERCEAU, FIELDS, LOUDENBECK, POPE, SUBECK and THIESFELDT, cosponsored by Senators L. TAYLOR and VINEHOUT. Referred to Committee on Criminal Justice and Public Safety.

gen ✓
scv

- 1 AN ACT *to repeal* 165.77 (4) (am) 2. b. and 165.77 (4) (am) 3. b.; and *to create*
- 2 165.77 (4) (cm) of the statutes; **relating to:** expungement of deoxyribonucleic
- 3 acid from crime laboratories if ^{the is} person ^{found} not adjudicated ^{adjudicated} guilty or delinquent.

then
Analysis by the Legislative Reference Bureau

Under this bill, if a court reaches final disposition for all charges and allegations for which a person was required to provide a biological sample to the Department of Justice for deoxyribonucleic acid (DNA) analysis and the person is not found guilty or delinquent on any such charge or allegation, the court must inform DOJ. Then DOJ must purge all DNA records and information, and destroy all biological samples, pertaining to that person. Current law requires such a person to request DOJ to purge all records and information and destroy all such samples and for DOJ to verify that final disposition was reached on all charges and allegations without a guilty or delinquent verdict before fulfilling the request.

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:

- 4 ✗ SECTION 1. 165.77 (4) (am) 2. b. of the statutes is repealed.
- 5 ✗ SECTION 2. 165.77 (4) (am) 3. b. of the statutes is repealed.

ASSEMBLY BILL 799**SECTION 3**

1 *of* **SECTION 3.** 165.77 (4) (cm) of the statutes is created to read:

2 165.77 (4) (cm) If a court reaches final disposition for all charges and
 3 allegations for which a person was required to provide a biological specimen under
 4 s. 165.84 (7), 938.21 (1m), 938.30 (2m), or 970.02 (8) and the person is not adjudged
 5 guilty or delinquent for any such charge or allegation, the court shall inform the
 6 department. Upon receiving such information, the laboratories shall purge all
 7 records and identifiable information in the data bank pertaining to the person, and
 8 destroy all samples from the person, related to those charges and allegations. The
 9 laboratories shall maintain any record, information, or sample, however, if the
 10 person is otherwise obligated to have a specimen in the data bank and complying
 11 with ^{the} requirement *would result in a need to obtain a new specimen from the*
 12 person. *under this paragraph*

13 **SECTION 4. Effective date.**

14 (1) This act takes effect on the first day of the 6th month beginning after
 15 publication.

16 (END)

Parisi, Lori

From: Stoa, Chris
Sent: Tuesday, September 11, 2018 9:45 AM
To: LRB.Legal
Subject: Draft Review: LRB -0093/1

Please Jacket LRB -0093/1 for the ASSEMBLY. Thanks.