2019 ASSEMBLY BILL 358

August 12, 2019 - Introduced by Representatives THIESFELDT, C. TAYLOR, RODRIGUEZ, ANDERSON, BILLINGS, BOWEN, BRANDTJEN, CABRERA, CONSIDINE, CROWLEY, DITTRICH, DUCHOW, FIELDS, KOLSTE, KRUG, KUGLITSCH, KURTZ, MURSAU, NEUBAUER, OHNSTAD, ROHRKASTE, SARGENT, SHANKLAND, SINICKI, SKOWRONSKI, SPREITZER, VINING, ZIMMERMAN, L. MYERS, SUBECK and TUSLER, cosponsored by Senators DARLING, SCHACHTNER, FFEYN, CARPENTER, JACQUE, JOHNSON, MARKLEIN, RINGHAND, SHILLING, L. TAYLOR, WIRCH, OLSN and LARSON. Referred to Committee on Criminal Justice and Public Safety.

AN ACT to repeal 175.405; to amend 165.77 (title); and to create 165.77 (1) (bf) and (bm) and 165.77 (7g) of the statutes; relating to: tracking of sexual assault kits in sexual assault cases and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Justice to establish a data bank, to be known as the Wisconsin Sexual Assault Kit Tracking System, for the purpose of providing victims of sexual assault access to information about the status of any sexual assault kit the victim has provided.

For further information see the state 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. 165.77 (title) of the statutes is amended to read:

165.77 (title) Deoxyribonucleic acid analysis and data bank banks.

SECTION 2. 165.77 (1) (bf) and (bm) of the statutes are created to read:

165.77 (1) (bf) “Sexual assault forensic examination” means an examination performed by a health care professional to gather evidence regarding a sex offense.
(bm) “Sexual assault kit” means the evidence collected from a sexual assault forensic examination.

SECTION 3. 165.77 (7g) of the statutes is created to read:

165.77 (7g) The department shall establish a data bank, which shall be known as the Wisconsin Sexual Assault Kit Tracking System, for the purpose of providing victims of alleged or suspected sexual assault access to information about the status of any sexual assault kit the victim has provided. The data bank shall use electronic technologies to allow continuous, ongoing access to do all of the following:

(a) Allow health care professionals collecting sexual assault kits, forensic laboratories, law enforcement agencies, prosecutors, and the department to update and track the location and status of sexual assault kits throughout the criminal justice process, including the initial collection of evidence, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and storage and any destruction after completion of analysis.

(b) Allow a victim of sexual assault to anonymously track or receive updates regarding the location and status of the victim’s sexual assault kit throughout the criminal justice process. Notwithstanding s. 165.79 (1), a victim may receive information and analyses of evidence obtained from the victim’s sexual assault kit.

SECTION 4. 175.405 of the statutes is repealed.

SECTION 5. Fiscal changes.

(1) Wisconsin Sexual Assault Kit Tracking System. In the schedule under s. 20.005 (3) for the appropriation to the department of justice under s. 20.455 (2) (a), the dollar amount for fiscal year 2019-20 is increased by $400,000 to create the data bank required under s. 165.77 (7g). In the schedule under s. 20.005 (3) for the appropriation to the department of justice under s. 20.455 (2) (a), the dollar amount
for fiscal year 2020-21 is increased by $400,000 to create the data bank required
under s. 165.77 (7g).

(END)