



2019 SENATE BILL 332

July 31, 2019 - Introduced by Senators DARLING, SCHACHTNER, FEYEN, CARPENTER, JACQUE, JOHNSON, MARKLEIN, RINGHAND, SHILLING, L. TAYLOR, WIRCH, OLSEN and LARSON, cosponsored by Representatives THIESFELDT, C. TAYLOR, RODRIGUEZ, ANDERSON, BILLINGS, BOWEN, BRANDTJEN, CABRERA, CONSIDINE, CROWLEY, DITTRICH, DUCHOW, FIELDS, KOLSTE, KRUG, KUGLITSCH, KURTZ, MURSAU, OHNSTAD, ROHRKASTE, SARGENT, SHANKLAND, SINICKI, SKOWRONSKI, SPREITZER, VINING, ZIMMERMAN, NEUBAUER, L. MYERS, SUBECK and TUSLER. Referred to Committee on Insurance, Financial Services, Government Oversight and Courts.

1 **AN ACT to repeal** 175.405; **to amend** 165.77 (title); and **to create** 165.77 (1) (bf)
2 and (bm) and 165.77 (7g) of the statutes; **relating to:** tracking of sexual assault
3 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:

4 **SECTION 1.** 165.77 (title) of the statutes is amended to read:
5 **165.77 (title) Deoxyribonucleic acid analysis and data bank banks.**
6 **SECTION 2.** 165.77 (1) (bf) and (bm) of the statutes are created to read:
7 165.77 (1) (bf) “Sexual assault forensic examination” means an examination
8 performed by a health care professional to gather evidence regarding a sex offense.

SENATE BILL 332**SECTION 2**

1 (bm) "Sexual assault kit" means the evidence collected from a sexual assault
2 forensic examination.

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

4 165.77 (7g) The department shall establish a data bank, which shall be known
5 as the Wisconsin Sexual Assault Kit Tracking System, for the purpose of providing
6 victims of alleged or suspected sexual assault access to information about the status
7 of any sexual assault kit the victim has provided. The data bank shall use electronic
8 technologies to allow continuous, ongoing access to do all of the following:

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

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

19 **SECTION 4.** 175.405 of the statutes is repealed.

20 **SECTION 5. Fiscal changes.**

21 (1) WISCONSIN SEXUAL ASSAULT KIT TRACKING SYSTEM. In the schedule under s.
22 20.005 (3) for the appropriation to the department of justice under s. 20.455 (2) (a),
23 the dollar amount for fiscal year 2019-20 is increased by \$400,000 to create the data
24 bank required under s. 165.77 (7g). In the schedule under s. 20.005 (3) for the
25 appropriation to the department of justice under s. 20.455 (2) (a), the dollar amount

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1 for fiscal year 2020-21 is increased by \$400,000 to create the data bank required
2 under s. 165.77 (7g).

3 (END)