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State of Misconsin 2021 - 2022 LEGISLATURE

LRB-5365/1 MLJ:skw

2021 SENATE BILL 814

January 6, 2022 – Introduced by Senator JACQUE, cosponsored by Representatives BRANDTJEN, GUNDRUM, MURPHY, MURSAU, SUBECK, WICHGERS and THIESFELDT. Referred to Committee on Judiciary and Public Safety.

1 AN ACT *to amend* 165.775 (3) (b) and 165.775 (4) (b) of the statutes; **relating to:**

a time limitation for processing sexual assault kits.

Analysis by the Legislative Reference Bureau

Current law contains procedures for the transmission, processing, and storage of sexual assault kits. Under current law, once the state crime laboratories takes possession of a sexual assault kit, it must do one of the following: 1) if it has received the kit of a person who has not consented to analysis, securely store the kit for a period of 10 years; or 2) if it has received the kit of a person who has consented to analysis, process the kit in accordance with Department of Justice procedures and then send the kit to a law enforcement agency for storage for a statutorily prescribed period of time. This bill provides that the state crime laboratories must process the sexual assault kit of a person who has consented to analysis within 90 days after receiving the kit.

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. 165.775 (3) (b) of the statutes, as created by 2021 Wisconsin Act 117,

4 is amended to read:

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| 1 | 165.775 (3) (b) Except as provided in par. (c), within 14 days after taking |
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| 2 | possession of the sexual assault kit, send the sexual assault kit to the state crime |
| 3 | laboratories for processing in accordance with the procedures specified in the rules |
| 4 | promulgated under sub. (6) within 14 days after taking possession of the sexual |
| 5 | assault kit <u>sub. (4) (b)</u> . |
| 6 | SECTION 2. 165.775 (4) (b) of the statutes, as created by 2021 Wisconsin Act 117, |
| 7 | is amended to read: |
| 8 | 165.775 (4) (b) If the victim chooses to report the sexual assault to a Wisconsin |
| 9 | law enforcement agency and thus has consented to the analysis of his or her sexual |
| 10 | assault kit, process the kit within 90 days in accordance with the procedures |
| 11 | specified in the rules promulgated under sub. (6). |
| 12 | SECTION 3. Effective date. |
| 13 | (1) This act takes effect on the first day of the 7th month beginning after |
| 14 | publication. |
| 15 | (END) |

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