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# Wisconsin Legislative Council

## AMENDMENT MEMO

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### 2023 Senate Bill 37

### Senate Amendment 1 to Senate Amendment 1

## BACKGROUND

Current law requires health care professionals, law enforcement agencies, and the state crime laboratories to follow certain statutory procedures and requirements related to transmitting, processing, and storing sexual assault kits, but does not require the state crime laboratories to process kits within a specific amount of time. Specifically, if a victim of sexual assault chooses to report the sexual assault to a Wisconsin law enforcement agency and has thus consented to analysis of a sexual assault kit, the state crime laboratories must process the kit in accordance with the procedures identified in rules promulgated by the Department of Justice. If a victim chooses not to report the sexual assault to a Wisconsin law enforcement agency and thus has not consented to analysis of the kit, the state crime laboratories must securely store the kit for 10 years.

## 2023 SENATE BILL 37

2023 Senate Bill 37 requires the state crime laboratories to begin processing a sexual assault kit within five business days and complete processing the kit within 60 calendar days after the processing has begun, if any of the following applies:

1. The victim chooses to report the sexual assault to a Wisconsin law enforcement agency, the identity of the person who perpetrated the sexual assault is unknown, and there is a threat to public safety.
2. The sexual assault kit contains evidence collected from a sexual assault forensic examination that was performed as part of an investigation of a death that involves unexplained, unusual, or suspicious circumstances, as determined by a law enforcement agency.
3. The sexual assault kit was requested to be processed as provided under a current law procedure that allows sheriffs, coroners, medical examiners, district attorneys, police chiefs, state prison wardens or superintendents, the Attorney General, or the Governor to request that employees of the state crime laboratories conduct a criminal investigation.

## SENATE AMENDMENT 1

Senate Amendment 1 modifies the provision requiring the state crime laboratories to follow this expedited processing requirement upon the request of certain law enforcement officials. Under Senate Amendment 1, both the county sheriff and the district attorney for the county where the sexual assault was committed must make the request. If the sexual assault was committed in Milwaukee, the Milwaukee chief of police and Milwaukee County district attorney must make the request.

Senate Amendment 1 also requires the state crime laboratories to complete processing a kit within six months after receiving it, in the absence of any of the circumstances described above.

## **SENATE AMENDMENT 1 TO SENATE AMENDMENT 1**

Senate Amendment 1 to Senate Amendment 1 removes the provision requiring the state crime laboratories to follow the expedited processing requirement upon the request of certain law enforcement officials.

### **BILL HISTORY**

Senator James offered Senate Amendment 1 on February 21, 2023, and Senate Amendment 1 to Senate Amendment 1 on March 24, 2023. On October 24, 2023, the Senate Committee on Judiciary and Public Safety recommended adoption of the amendments and passage of the bill, as amended, on votes of Ayes, 7; Noes, 0.

For a full history of the bill, visit the Legislature's [bill history page](#).

AO:ksm