



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0358/1
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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 214**

February 29, 2012 – Offered by Senator HARSDORF.

1 **AN ACT relating to:** a program for collecting deoxyribonucleic acid analysis from
2 adults arrested for certain criminal actions and reporting on the effectiveness
3 of the program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1. Nonstatutory provisions.**

5 (1) PILOT PROGRAM TO OBTAIN DNA FOLLOWING CERTAIN ARRESTS. The department
6 of justice shall administer a program requiring all persons in charge of law
7 enforcement and tribal law enforcement agencies to obtain a biological specimen for
8 deoxyribonucleic acid analysis from each adult arrested for a violation of section
9 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.19 (2), (4), or (5), 940.21,
10 940.225, 940.235, 940.25, 940.30, 940.302, 940.305, 940.31, 940.32, 940.43, 940.45,
11 941.20, 941.28, 941.29, 941.30, 941.31, 943.011, 943.012, 943.013, 943.02, 943.06,

1 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2), 948.025, 948.03, 948.051, 948.055,
2 948.07, 948.075, 948.08, 948.085, 948.30 (2), or 961.41 (1) or (1m) of the statutes or
3 for the solicitation, conspiracy, or attempt to commit a Class A felony. The person in
4 charge of the law enforcement or tribal law enforcement agency shall submit the
5 specimen to the crime laboratories for deoxyribonucleic acid analysis and inclusion
6 of the adult's deoxyribonucleic acid profile in the data bank under section 165.77 (3)
7 of the statutes. The program shall continue until February 1, 2013, unless the
8 attorney general determines that funding is not sufficient to continue the program
9 until February 1, 2013, or that funding is sufficient to continue the program after
10 February 1, 2013. Except as provided in subsection (3), without regard to the
11 continuation of the program, all specimens submitted to the crime laboratories under
12 this subsection may not be removed from the data bank.

13 (2) OBTAINING SPECIMENS. The department of justice may promulgate
14 emergency rules establishing procedures and time limits for obtaining and
15 submitting biological specimens under subsection (1) and specifying whether a
16 person who is required under subsection (1) to provide a biological specimen for
17 deoxyribonucleic acid analysis must provide a new biological specimen if the crime
18 laboratories already have a biological specimen from the person or if data obtained
19 from deoxyribonucleic acid analysis of the person's biological specimen are already
20 included in the data bank under section 165.77 (3) of the statutes.

21 (3) EXPUNGEMENT REQUEST. A person whose deoxyribonucleic acid analysis data
22 have been included under subsection (1) in the data bank may request, in writing,
23 expungement of the profile included in the data bank due to the requirement under
24 subsection (1) and the laboratories shall purge all such records and identifiable

1 information in the data bank pertaining to the person and destroy all such samples
2 from the person if any of the following applies:

3 (a) The person is eligible for expungement under section 165.77 (4) of statutes
4 and requests expungement as provided in that section.

5 (b) At least one year has passed since the arrest and the person has not been
6 charged with a crime in connection with the arrest.

7 (c) All charges filed in connection with the arrest and all charges for which the
8 person was required to provide a biological specimen under subsection (1) have been
9 dismissed.

10 (d) The trial court reached final disposition for all charges in connection with
11 the arrest and for any charges for which the person was required to provide a
12 biological specimen under subsection (1), and the person was not adjudged guilty of
13 a crime in connection with the arrest or any charge for which the person was required
14 to provide a biological specimen under subsection (1).

15 (4) FUNDING.

16 (a) In this subsection, “federal economic stimulus funds” has the meaning given
17 in 2009 Wisconsin Act 2, section 9131 (1) (a).

18 (b) Notwithstanding 2009 Wisconsin Act 2, section 9131 (1):

19 1. The office of justice assistance shall grant to the department of justice
20 \$1,000,000 from federal economic stimulus funds for the purposes described in this
21 SECTION.

22 2. The office of justice assistance may use federal economic stimulus funds not
23 granted to the department of justice under subdivision 1. for the purposes described
24 in subsection (5) and for any federal reporting requirements associated with the
25 federal economic stimulus funds.

1 (5) **REPORT.** No later than March 31, 2013, the office of justice assistance shall
2 submit to the joint committee on finance a report on the costs to the state and to local
3 governments of the program under this **SECTION**, the types of arrests and total
4 number of arrests, the estimated costs to law enforcement if the program were
5 expanded, the number of deoxyribonucleic acid matches made under this program,
6 any concerns or problems with the program, and any other information the office of
7 justice assistance finds relevant to the question of continuing the program or of
8 expanding the program to other arrests.

9 **SECTION 2. Effective date.**

10 (1) This act takes effect on the first day of the 3rd month beginning after
11 publication.

12 (END)