
Wisconsin Legislative Council

ACT MEMO



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2021 Wisconsin Act 53
[2021 Senate Bill 299]

**Submission of Biological
Specimen From Out-of-State
Offenders**

BACKGROUND

State law generally requires that a person convicted of a crime provide a biological specimen to the state crime laboratories for DNA analysis. Specifically, a person must provide such a specimen if he or she was found guilty in Wisconsin of any felony on or after January 1, 2000, or of any misdemeanor on or after April 1, 2015.

With respect to out-of-state offenders, prior law required that, if the Department of Corrections (DOC) accepted supervision of a person who was placed on probation, extended supervision, or parole in another state on or after January 1, 2000, DOC must direct the person to provide a biological specimen, if DOC determined that the person's violation giving rise to supervision would have constituted a felony if the crime had been committed in Wisconsin.

2021 WISCONSIN ACT 53

2021 Wisconsin Act 53 modifies the requirements for submission of a biological specimen by a person who has been convicted of a crime in another state by requiring such a person to provide a specimen when DOC accepts supervision of him or her, regardless of the level of crime for which the person was placed on probation or released on parole or extended supervision.

Specifically, under the act, if DOC accepts supervision of any person from another state who was placed on probation or released on parole or extended supervision on or after April 1, 2015, DOC must direct the person to provide a biological specimen for DNA analysis. The act therefore also eliminates the requirement that DOC determine whether the person's violation would constitute a felony if committed in Wisconsin, as the act requires submission of the specimen regardless of the level of the crime that resulted in the person being placed on supervision. In other words, the act applies the same requirements to persons placed on probation, parole, or extended supervision in another state over whom DOC has accepted supervision, as those that apply to persons criminally convicted in Wisconsin under current law.

The act maintains prior law for circumstances in which DOC accepts supervision of a person placed on probation or released on parole or extended supervision between January 1, 2000 and March 31, 2015.

Effective date: June 24, 2021

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