



1995 ASSEMBLY BILL 942

February 23, 1996 - Introduced by Representatives ZIEGELBAUER, HUBER, GOETSCH, SCHNEIDERS, DOBYNS, PLACHE, KLUSMAN, KAUFERT, MUSSER, KREUSER, WASSERMAN, BRANDEMUEHL, RUTKOWSKI, LEHMAN, OLSEN, HANSON, AINSWORTH, NOTESTEIN, LADWIG, RYBA, COLEMAN, HASENOHRL, F. LASEE, WIRCH, LAZICH, PLOMBON, GUNDERSON, GRONEMUS, OTTE, R. POTTER and BAUMGART, cosponsored by Senators C. POTTER, PANZER, BRESKE, BUETTNER, ROSENZWEIG, BURKE, SCHULTZ, ANDREA, HUELSMAN, DRZEWIECKI and WEEDEN. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to amend** 165.76 (2) (b) 4.; and **to create** 165.76 (1) (d), 165.76 (2) (b) 3m.,
2 165.76 (2) (b) 6. and 304.137 of the statutes; **relating to:** deoxyribonucleic acid
3 testing of certain probationers and parolees.

Analysis by the Legislative Reference Bureau

Under current law, persons who have been convicted, adjudicated delinquent, found not guilty by reason of mental disease or defect or institutionalized in this state relating to serious sexual assault offenses and certain violators ordered by courts must provide biological specimens that are used for deoxyribonucleic acid (DNA) analysis. The crime laboratories of the department of justice analyze the samples and maintain a data bank based on the DNA analysis of the specimens. The laboratories may run comparison tests with other specimens for law enforcement purposes. The laboratories may also make data obtained from any analysis and comparison available to law enforcement agencies in connection with criminal or delinquency investigations and, upon request, to any prosecutor, defense attorney or subject of the data. A person who intentionally fails to comply with a requirement that he or she provide a biological specimen may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

This bill provides that the requirement to provide a biological specimen applies to a person convicted of a serious sexual assault in another state whose probation or parole is transferred to this state if the department of corrections (DOC) determines that the crime for which the person was convicted in the other state is comparable to a serious sexual assault offense in this state. A person to whom the bill applies must provide the biological specimen at the office of a county sheriff as soon as practicable after entering this state, as directed by DOC.

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:

1 **SECTION 1.** 165.76 (1) (d) of the statutes is created to read:

2 165.76 (1) (d) Is on parole or probation in this state from another state under
3 s. 304.13 or 304.135 on or after the effective date of this paragraph [revisor inserts
4 date], for a violation of the law of another state that the department of corrections
5 determines, under s. 304.137, is comparable to a violation of s. 940.225 (1) or (2),
6 948.02 (1) or (2) or 948.025.

7 **SECTION 2.** 165.76 (2) (b) 3m. of the statutes is created to read:

8 165.76 (2) (b) 3m. If the person is on parole or probation in this state from
9 another state under s. 304.13 or 304.135, he or she shall provide the specimen under
10 par. (a) at the office of a county sheriff as soon as practicable after entering this state,
11 as directed by his or her probation and parole agent.

12 **SECTION 3.** 165.76 (2) (b) 4. of the statutes is amended to read:

13 165.76 (2) (b) 4. If subds. 1. to ~~3.~~ 3m. do not apply, the department of justice shall
14 specify in its order the time and procedure for the person to provide the specimen
15 under par. (a).

16 **SECTION 4.** 165.76 (2) (b) 6. of the statutes is created to read:

17 165.76 (2) (b) 6. Notwithstanding subd. 3m., for a person who is subject to sub.
18 (1) (d) and who is on parole or probation in this state from another state on the
19 effective date of this subdivision [revisor inserts date], the department of justice
20 and the department of corrections shall cooperate to have these persons provide
21 specimens under par. (a) before July 1, 2000.

