

State of Misconsin 2019 - 2020 LEGISLATURE

LRB-5199/1 CMH:cdc

## 2019 ASSEMBLY BILL 776

January 22, 2020 – Introduced by Representatives WICHGERS, HORLACHER, C. TAYLOR, BOWEN, NEYLON, KULP and SUBECK, cosponsored by Senators JACQUE and CARPENTER. Referred to Committee on Judiciary.

1	$AN \ ACT \ \textit{to amend } 939.74\ (2)\ (ar) \ and \ 939.74\ (2d)\ (c); \ and \ \textit{to create } 939.74\ (2)\ (ah)$
2	of the statutes; <b>relating to:</b> statute of limitations for second-degree sexual
3	assault.

### Analysis by the Legislative Reference Bureau

Under current law, a prosecution for second-degree sexual assault must be commenced within ten years of the commission of the assault. This bill extends the period so that a prosecution for second-degree sexual assault must be commenced within 20 years of the commission of the assault.

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

- 4 **SECTION 1.** 939.74 (2) (ah) of the statutes is created to read:
- 5 939.74 (2) (ah) A prosecution for a violation of s. 940.225 (2) may be commenced
- 6 within 20 years after the commission of the violation.
- 7 SECTION 2. 939.74 (2) (ar) of the statutes is amended to read:
- 8 939.74 (2) (ar) A prosecution for a violation of s. 940.225 (2) or (3) may be
- 9 commenced within 10 years after the commission of the violation.

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**SECTION 3.** 939.74 (2d) (c) of the statutes is amended to read:

 $\mathbf{2}$ 939.74 (2d) (c) If, before the applicable time limitation under sub. (1) or (2) (ah), 3 (am), (ar), (c), or (cm) for commencing prosecution of a felony under ch. 940 or 948, other than a felony specified in sub. (2) (a), expires, the state collects biological 4 material that is evidence of the identity of the person who committed the felony,  $\mathbf{5}$ identifies a deoxyribonucleic acid profile from the biological material, and compares 6 7 the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological 8 9 material for the felony or a crime that is related to the felony or both within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony 10 11 results in a probable identification of the person or within the applicable time under 12sub. (1) or (2), whichever is latest.

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#### SECTION 4. Initial applicability.

(1) Notwithstanding s. 990.06, this act first applies to an act for which the time
limit under s. 939.74 (2) for prosecution has not expired as of the effective date of this
subsection.

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(END)