



2021 ASSEMBLY BILL 386

June 7, 2021 - Introduced by Representatives THIESFELDT, BRANDTJEN, EDMING, MOSES, ROZAR and SCHRAA, cosponsored by Senators FEYEN, JACQUE, RINGHAND and WANGGAARD. Referred to Committee on Judiciary.

1 **AN ACT to amend** 939.74 (1); and **to create** 939.74 (2b) of the statutes; **relating**
2 **to:** the time limitation for prosecution of lesser included offenses.

Analysis by the Legislative Reference Bureau

Current law provides the time limitations on prosecutions for various crimes. This bill provides that if a prosecution has been commenced for first-degree intentional homicide, first-degree reckless homicide, first degree sexual assault, or first degree sexual assault of a child, and if a jury finds the defendant guilty of a lesser included crime, the defendant may be convicted of the lesser included crime even if the time to commence a prosecution for the lesser crime has expired.

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

3 **SECTION 1.** 939.74 (1) of the statutes is amended to read:
4 939.74 (1) Except as provided in subs. (2), ~~(2b)~~, and (2d) and s. 946.88 (1),
5 prosecution for a felony must be commenced within 6 years and prosecution for a
6 misdemeanor or for adultery within 3 years after the commission thereof. Within the
7 meaning of this section, a prosecution has commenced when a warrant or summons
8 is issued, an indictment is found, or an information is filed.

