



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-0261/1  
CMH:amn

## 2021 ASSEMBLY BILL 541

September 10, 2021 - Introduced by Representatives HEBL, BALDEH, BOWEN, DRAKE, L. MYERS, OHNSTAD, SINICKI, SPREITZER, SUBECK, MURSAU and STUBBS, cosponsored by Senators L. TAYLOR, AGARD, BEWLEY, CARPENTER and STROEBEL. Referred to Committee on Criminal Justice and Public Safety.

1     **AN ACT** *to repeal* 165.77 (4) (am) 2. b. and 165.77 (4) (am) 3. b.; and *to create*  
2           165.77 (4) (cm) of the statutes; **relating to:** expungement of deoxyribonucleic  
3           acid from crime laboratories if the person is not found guilty or adjudicated  
4           delinquent.

---

### *Analysis by the Legislative Reference Bureau*

Current law requires certain persons who have not been convicted of a crime to provide a biological sample to the Department of Justice for deoxyribonucleic acid (DNA) analysis, including a person who has been charged with or arrested for a violent crime or a juvenile who has been taken in custody on the basis of a violation that would be a violent crime if committed by an adult. Under current law, if final disposition is reached on all charges without a guilty or delinquent verdict, the person may request DOJ to purge all DNA records and information, and destroy all biological samples, pertaining to that person.

Under this bill, if a court reaches final disposition for all charges and allegations for which a person was required to provide a biological sample to DOJ for DNA analysis and the person is not found guilty or delinquent on any such charge or allegation, the court must inform DOJ. DOJ must then purge all DNA records and information, and destroy all biological samples, pertaining to that person.

