



Alberta Darling

Wisconsin State Senator | District 8

Testimony Before the Assembly Committee on Criminal Justice and Public Safety

Assembly Bill 274

Wednesday, May 19, 2021

Thank you, Chairman Spiros and committee members for holding a public hearing on Assembly Bill 274. The legislation before you today is critical for bringing statutory uniformity, reducing the Department of Corrections (DOC) backlog, and saving DOC resources.

Under current law, any person found guilty of a felony or misdemeanor in Wisconsin is required to provide a DNA specimen to the state crime laboratory. This bill proposes to include out-of-state offenders to the DNA requirements, therefore treating out-of-state offenders the same as in-state offenders.

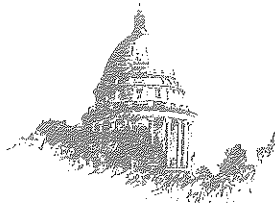
Through an interstate compact, corrections departments across the country supervise people in their respective states for out-of-state crimes. Currently in Wisconsin, the DOC supervises approximately 1,779 people who have been convicted of an out-of-state crime, and review approximately 1,300 transfer requests annually.

Under current Wisconsin law, in order to obtain a DNA specimen for out-of-state individuals, DOC is required to review each case to determine if their out-of-state convictions match the in-state statute requirements for DNA specimen submission. That work takes significant staff time and contributes to an increasing backlog of transfer request applications that are waiting for this legal review.

With passage of this bill, the DOC would no longer have to conduct a legal review of each out-of-state conviction for out-of-state offenders seeking transfer to Wisconsin to determine if a DNA submission is needed under Wisconsin law. Aligning the DNA submission requirements for all out-of-state offenders to match in-state offender requirements would also expand the public safety function of the DNA databank.

This bill will bring statutory uniformity to both in-state and out-of-state offenders' DNA submission requirements, save the DOC resources, and enhance public safety.

Thank you committee members for holding a hearing on AB 274, and I hope I can count on your support.



PAUL TITTL

STATE REPRESENTATIVE • 25TH ASSEMBLY DISTRICT

Assembly Committee on Criminal Justice and Public Safety
Assembly Bill 274
May 19, 2021

First of all, I would like to thank you, Chairman Spiros and committee members, for considering this testimony regarding Assembly Bill 274 relating to the submission of biological specimens to the state crime laboratories.

Current Wisconsin law requires those who commit felonies or misdemeanors in Wisconsin to submit a biological specimen to the state crime lab for DNA analysis.

In addition, offenders who have been convicted of a crime in another state and placed on supervision in that state, but whose supervision is transferred to Wisconsin must also provide a DNA sample to the Department of Justice. However, that requirement for out-of-state offenders applies only if the crime for which the offender is on supervision would be a felony if committed by an adult in Wisconsin.

The effect of that provision related to out-of state-offenders is that the Department of Corrections must review each individual's case to determine if their out-of-state offense matches with a corresponding felony in Wisconsin. That requirement places an unnecessary burden on the Department of Corrections.

Assembly Bill 274 revises our statute to remove that burden.

Because the bill makes several references to January 1, 2000 and to April 1, 2015, I'll comment briefly about those dates. They are significant because our law changed at those points in regard to the kinds of offenses for which biological specimens would be required. Following January 1, 2000 the requirement applied to an offender convicted of any felony or *certain* misdemeanors in Wisconsin after that date. The budget bill of 2013 amended the statute to apply to an offender convicted of *any* misdemeanor on or after April 1, 2015, rather than to *certain* misdemeanors.

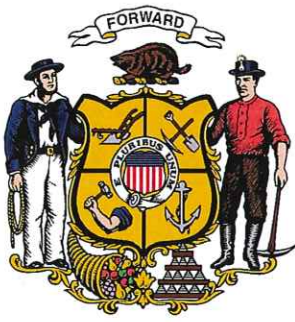
Although that amendment was made regarding in-state-offenders, it did not change the corresponding requirement related to out-of-state offenders.

Assembly Bill 274 streamlines the language so the requirement for in-state-offenders and out-of-state offenders is the same for all felonies and misdemeanors after April 1, 2015. The result will mean less administrative burden for the Department of Corrections.

Thanks for your consideration of this bill.

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Wisconsin Department of Corrections

Governor Tony Evers | Secretary Kevin A. Carr

**Testimony for AB274/SB299– Submission of human biological specimens for out-of-state offenders
Assembly Committee on Criminal Justice and Public Safety
Wednesday, May 19, 2021**

Good afternoon Chairman Spiros and committee members. I am Paulina de Haan, Legislative Advisor for the WI Department of Corrections (DOC). Thank you for the opportunity to testify in support of SB299/AB274, that addresses, what we believe is an unintended omission of including people under supervision in Wisconsin with out-of-state convictions in the DNA submission requirement. SB299/AB274 updates the DNA submission requirement to include individuals who have an out-of-state conviction but are on supervision and living in Wisconsin.

Under current law, any person found guilty of a felony or misdemeanor is required to provide a DNA specimen to the state crime laboratory. DNA is a crime-fighting resource. This technology provides law enforcement with a powerful identification tool that can identify crucial leads in criminal investigations. It also plays a valuable role in exonerating someone during an investigation. In the 2013 budget, the legislature expanded the requirement to provide DNA to include persons convicted of a misdemeanor. However, the language in the 2013 budget for this new requirement did not include a person found guilty of an offense in another state who is being supervised in Wisconsin. Prior to the 2013 legislative change both in-state and out-of-state offenders were treated similarly under the DNA submission requirements, and this bill would bring statutory uniformity, saving the DOC resources, and enhancing public safety.

Through an interstate compact, corrections departments across the country supervise people in their respective state for out-of-state crimes. In Wisconsin, the DOC supervises approximately 1,779 people who have been convicted of an out-of-state crime but live and work in Wisconsin. On average, the DOC reviews approximately 1,300 transfer requests annually. The DOC must review each individual's case to determine if their out-of-state crimes match with criminal penalties in Wisconsin. This creates an imbalance in the way we treat those with out-of-state convictions versus people in Wisconsin with in-state convictions. SB299/AB274 fixes this imbalance.

I would like to thank Senator Darling and Representative Tittl and the other co-sponsors for agreeing to take a lead on this bill. I'm happy to take any questions you may have. Thank you for your time.