



## 2021 ASSEMBLY BILL 274

April 16, 2021 - Introduced by Representatives TITTL, BRANDTJEN, GUNDRUM, MOSES, ROZAR, J. RODRIGUEZ, BOWEN, KNODL and MURSAU, cosponsored by Senators DARLING, COWLES, JACQUE, MARKLEIN and WANGGAARD. Referred to Committee on Criminal Justice and Public Safety.

**AN ACT** *to amend* 165.76 (1) (f), 304.137 (2) (title) and 304.137 (2); and *to create* 165.76 (1) (fm) and 304.137 (3) of the statutes; **relating to:** submission of human biological specimens to the state crime laboratories.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, a person who is on probation, extended supervision, or parole in another state who moves to Wisconsin and who will be supervised by the Department of Corrections is required to provide a human biological specimen to the state crime laboratories for DNA analysis if one of the following applies: 1) he or she was placed under supervision before January 1, 2000, for a crime that is comparable to first or second degree sexual assault in Wisconsin, or 2) he or she was placed under supervision on or after January 1, 2000, for a crime that DOC determines would constitute a felony if committed by an adult in Wisconsin.

This bill requires any person who was placed on probation, extended supervision, or parole in another state on or after April 1, 2015, who moves to Wisconsin and who will be supervised by DOC to provide a human biological specimen to the state crime laboratories for DNA analysis, irrespective of the crime for which he or she was placed on probation, extended supervision, or parole in the other state.

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

**SECTION 1.** 165.76 (1) (f) of the statutes is amended to read:

165.76 (1) (f) Is or was released on parole or extended supervision or placed on probation in another state on or after January 1, 2000 and before April 1, 2015, and is or was on parole, extended supervision, or probation in this state from the other state under s. 304.13 (1m), 304.135, or 304.16 for a violation of the law of the other state that the department of corrections determines, under s. 304.137 (2), would constitute a felony if committed by an adult in this state.

**SECTION 2.** 165.76 (1) (fm) of the statutes is created to read:

165.76 (1) (fm) Is or was released on parole or extended supervision or placed on probation in another state on or after April 1, 2015, and is or was on parole, extended supervision, or probation in this state from the other state under s. 304.13 (1m), 304.135, or 304.16.

**SECTION 3.** 304.137 (2) (title) of the statutes is amended to read:

304.137 (2) (title) PERSONS RELEASED OR PLACED ON PROBATION ON OR AFTER JANUARY 1, 2000, AND BEFORE APRIL 1, 2015.

**SECTION 4.** 304.137 (2) of the statutes is amended to read:

304.137 (2) If the department accepts supervision of a probationer, person on extended supervision, or parolee from another state under s. 304.13 (1m), 304.135, or 304.16 and the person was placed on probation or released on parole or extended supervision on or after January 1, 2000 and before April 1, 2015, the department shall determine whether the violation of law for which the person is on probation, extended supervision, or parole would constitute a felony if committed by an adult

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in this state. If the department determines that a person on probation, extended supervision, or parole from another state who is subject to this subsection violated a law that would constitute a felony if committed by an adult in this state, the department shall direct the probationer, person on extended supervision, or parolee to provide a biological specimen under s. 165.76.

**SECTION 5.** 304.137 (3) of the statutes is created to read:

304.137 (3) PERSONS RELEASED OR PLACED ON PROBATION ON OR AFTER APRIL 1, 2015. If the department accepts supervision of a probationer, person on extended supervision, or parolee from another state under s. 304.13 (1m), 304.135, or 304.16 and the person was placed on probation or released on parole or extended supervision on or after April 1, 2015, the department shall direct the probationer, person on extended supervision, or parolee to provide a biological specimen under s. 165.76.

**(END)**