

# State of Wisconsin



2021 Senate Bill 94

Date of enactment: **December 6, 2021**

Date of publication\*: **December 7, 2021**

## 2021 WISCONSIN ACT 117

**AN ACT** to create 165.775 of the statutes; **relating to:** tracking of sexual assault kits in sexual assault cases and granting rule-making authority.

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

**SECTION 1.** 165.775 of the statutes is created to read:

**165.775 Sexual assault kit tracking system.** (1) In this section:

(a) "Health care professional" has the meaning given in s. 154.01 (3).

(b) "Law enforcement agency" means a governmental unit of one or more persons employed full-time by the federal government, a state, or a political subdivision of a state for the purpose of preventing and detecting crime and enforcing federal or state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

(c) "Sexual assault forensic examination" means an examination performed by a health care professional to gather evidence regarding a sex offense.

(d) "Sexual assault kit" means the evidence collected from a sexual assault forensic examination.

(e) "Wisconsin law enforcement agency" means a governmental unit of one or more persons employed full-time by this state or a political subdivision of this state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

(2) The department shall establish a database, which shall be known as the Wisconsin Sexual Assault Kit Tracking System, for the purpose of providing victims of sexual assault access to information about the status of any sexual assault kit the victim has provided. The database shall use electronic technologies to allow continuous, ongoing access to do all of the following:

(a) Allow health care professionals collecting sexual assault kits, forensic laboratories, law enforcement agencies, prosecutors, and the department to update and track the location and status of sexual assault kits, including the initial collection of evidence, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and destruction.

(b) Allow a victim of sexual assault to anonymously track the location and status of the victim's sexual assault kit. Notwithstanding s. 165.79 (1), a victim may receive information relating to the location and status of the victim's sexual assault kit.

(3) (a) Whenever a Wisconsin law enforcement agency or a health care professional collects evidence in a case of sexual assault, the agency or professional shall enter the information required in the department's rules under sub. (4) into the Wisconsin Sexual Assault Kit Tracking System.

(b) Whenever the crime laboratories perform deoxyribonucleic acid analysis of a sexual assault kit, the

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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crime laboratories shall enter the information required in the department's rules under sub. (4) into the Wisconsin Sexual Assault Kit Tracking System.

(4) The department shall promulgate rules to administer this section.

