
Wisconsin Legislative Council

ACT MEMO



Prepared by: Tom Koss, Staff Attorney

December 12, 2023

2023 Wisconsin Act 58
[2023 Assembly Bill 36]

**Time Limit for Processing Sexual
Assault Kits**

BACKGROUND

Health care professionals, law enforcement agencies, and the state crime laboratories must follow certain statutory procedures and requirements related to transmitting, processing, and storing sexual assault kits. Specifically, if a victim of sexual assault chooses to report the sexual assault to a Wisconsin law enforcement agency and has thus consented to analysis of a sexual assault kit, the state crime laboratories must process the kit in accordance with the procedures identified in rules promulgated by the Wisconsin Department of Justice (DOJ). If a victim chooses not to report the sexual assault to a Wisconsin law enforcement agency and thus has not consented to analysis of the kit, the state crime laboratories must securely store the kit for 10 years. Prior to 2023 Wisconsin Act 58, however, state law did not require the state crime laboratories to process a kit within a specific amount of time.

2023 WISCONSIN ACT 58

2023 Wisconsin Act 58 establishes time limits in which the state crime laboratories must process a sexual assault kit. Generally, the act requires the state crime laboratories to begin processing a sexual assault kit in accordance with procedures specified in DOJ rules and to complete processing a kit within six months. However, the state crime laboratories must begin processing a kit within five business days of taking possession and complete processing the kit within 60 calendar days after beginning processing, if either of the following applies:

- The victim chooses to report the sexual assault to a Wisconsin law enforcement agency, the identity of the person who perpetrated the sexual assault is unknown, and there is a threat to public safety.¹
- The sexual assault kit contains evidence collected from a sexual assault forensic examination that was performed as part of an investigation of a death that involves unexplained, unusual, or suspicious circumstances, as determined by a law enforcement agency.

Effective date: July 1, 2024.

For a full history of the bill, visit the Legislature's [bill history page](#).

TK:ksm

¹ A victim's report to a law enforcement agency is considered consent for the analysis of his or her sexual assault kit.