

## **NOTICE OF GUIDANCE DOCUMENT**

Pursuant to Wis. Stat. § 227.112, the Wisconsin Department of Justice is hereby seeking comment on the following proposed guidance documents:

**DNA Evidence / CODIS Eligibility Questionnaire**

**DNA Databank Record Expungement Request DJ-LE-177**

**DNA Databank Collection Kit Submission Form DJ-LE-106**

**DNA Databank Collection Kit Poster**

**Familial Search Information**

**DNA Databank Qualifying Offense Information**

### **PUBLIC COMMENT AND DEADLINE FOR SUBMISSION**

Comments may be submitted to the Wisconsin Department of Justice until February 24, 2020, by emailing the agency contact person listed below.

### **AGENCY CONTACT PERSON**

Jody J. Schmelzer  
Assistant Attorney General  
[schmelzerjj@doj.state.wi.us](mailto:schmelzerjj@doj.state.wi.us)

**DNA Evidence Submission/CODIS Eligibility Questionnaire**

These questions are to assist the laboratory in determining if a DNA profile developed in a case is eligible for CODIS. A DNA profile becomes CODIS eligible when it is obtained from biological material collected from a crime scene and is attributable to a presumed perpetrator. If this form is not complete, it may result in a delay in CODIS entry.

**For All Cases**

1. Please give a brief description of the alleged events that occurred.
2. How is the item(s) for DNA testing associated with the crime scene, victim or suspect? (Explain the relationship of the evidence to this case for items that may seem unusual at first glance.)
3. Why is a DNA profile from the evidence significant in the incident/charge?

**Sexual Assault**

1. What type of contact allegedly occurred (oral, vaginal, anal penetration, with or without ejaculation, penis, finger, mouth)?
2. Did the victim have a consensual partner at the time of the incident/charge?
3. Did the victim have sexual relations less than 120 hours (5 days) prior to the incident or anytime after the incident? If this answer is yes, an elimination standard from the consensual partner is needed to eliminate that person from any DNA profiles detected. Only foreign DNA profiles may be uploaded into CODIS (i.e. targeting those DNA types not attributable to the victim or consensual partner).
4. Did the victim and suspect know one another? What is their relationship? Did they live together?
5. If bedding or clothing is submitted, where were these items recovered from?

**Property Crime & Others (Burglary, Robbery, FIP, Drugs)**

1. Does the item being submitted belong to the resident(s) and/or owner(s) of the property? Did they handle it? If yes, a buccal swab standard from the resident(s) and/or owner(s) of the property will be needed/requested for elimination purposes prior to entry of any profiles into CODIS.
2. Can the resident(s) and/or owner(s) of the property be eliminated as the source of the item? (For example, a cigarette butt from a home where no one smokes. A hat that the homeowner denies owning.)
3. For possession-related crimes, where was the item(s) recovered from? Was the item recovered directly from the suspect's person or possessions? Please be specific.
4. For controlled substance cases, will the DA charge *anyone identified* on the drug packaging or paraphernalia if the suspect(s) were not identified on the item(s)?



## INSTRUCTIONS FOR COMPLETING A WISCONSIN DNA DATABANK RECORD EXPUNGEMENT REQUEST

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All expungements will be in compliance with Wisconsin State Statutes 165.77(4) & 165.84(7)(am)2m, Wisconsin Administrative Justice Code 9.06(2), and US Code § 14132.

1. All expungement requests must be made by the expungement candidate using the Wisconsin DNA Databank Record Expungement Request Form (DJ-LE-177), and sent to the Wisconsin DNA Databank Unit at the Wisconsin State Crime Laboratory in Madison.
2. The form must be completed fully, including all identifying information, two fingerprints and candidate's signature.
  - a. Conviction information must include court case number and charge. This information may be found on CCAP (Wisconsin Circuit Court Access) <http://wcca.wicourts.gov/index.xsl>.
  - b. If the request is subsequent to a conviction, finding, or an adjudication, supporting documentation must be provided, which shall include a certified copy of the court order reversing, setting aside, or vacating the conviction.
  - c. If the request is subsequent to an arrest no supporting documentation is necessary, however, one of the following parameters must be met before arrest DNA can be expunged:
    1. All charges for which the person was required to provide a biological specimen under s. 165.84 (7) or 970.02 (8) have been dismissed. Wisconsin State Statute 165.77(4)(am)2.a.
    2. The trial court reached final disposition for all charges for which the person was required to provide a biological specimen under s. 165.84 (7) or 970.02 (8), and the person was not adjudged guilty of a violent crime in connection with any such charge. Wisconsin State Statute 165.77(4)(am)2.b.
    3. At least one year has passed since the arrest and the person has not been charged with a violent crime in connection with the arrest. Wisconsin State Statute 165.77(4)(am)2.c.
    4. The person was adjudged guilty of a violent crime in connection with any charge for which the person was required to provide a biological specimen under s. 165.84 (7) or 970.02 (8), and all such convictions for a violent crime have been reversed, set aside, or vacated. Wisconsin State Statute 165.77(4)(am)2.d.
3. **DNA will not be expunged or destroyed if a separate collectible offense or arrest is identified.** If the candidate is convicted of any other felony or misdemeanor, do not send another copy of this form as the expungement will not take place.
4. Per Wisconsin State Statute 165.84 (7) (am) 2m., if probable cause has not been established one year after DNA collection, the expungement process will be initiated by crime lab personnel and notification will be made to the candidate. The candidate does not need to submit a request form.



# WISCONSIN DNA DATABANK RECORD EXPUNGEMENT REQUEST

I hereby request that the Wisconsin DNA Databank remove all data, records, and identifiable information pertaining to my DNA sample previously submitted for inclusion in the Convicted Offender or Arrestee Index. Additionally, I am requesting that all remaining sample be destroyed. The sample for which an expungement is being requested was collected as the result of an arrest, conviction, or adjudication which occurred on the date below.

DJ-LE-177 6/28/2018

<b>Print or Type all Identifying Information</b>		
LAST NAME	FIRST NAME	FULL MIDDLE NAME
STREET ADDRESS		APARTMENT NUMBER
CITY	STATE	ZIP CODE
DATE OF BIRTH (mm/dd/yyyy)		

DATE OF CONVICTION OR ADJUDICATION	COUNTY/AGENCY	COURT CASE NUMBER OF CHARGE
DATE OF ARREST	COUNTY/AGENCY	CHARGE

### FINGERPRINTS

Place one fingerprint from each of the subject's index fingers in the boxes to the right. This fingerprint will be used to confirm the identity of the expungement



LEFT INDEX FINGER



RIGHT INDEX FINGER

I attest that all the information provided is accurate and true to the best of my knowledge. I further attest that I have not been arrested, convicted, or adjudicated delinquent for any other offense separate from the one described above which would have obligated me to provide a DNA sample to the Wisconsin DNA Databank. I also attest that no court has ordered me, separate from the offense above to provide a DNA sample to the Wisconsin DNA Databank.

SIGNATURE OF EXPUNGEMENT CANDIDATE	Date Completed
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**DNA WILL NOT BE EXPUNGED OR DESTROYED IF A SEPARATE COLLECTIBLE OFFENSE OR ARREST IS IDENTIFIED.**

**THIS REQUEST IS BEING MADE BECAUSE:**

<input type="checkbox"/> ABOVE CONVICTION HAS BEEN REVERSED, SET ASIDE OR VACATED	<input type="checkbox"/> CHARGES DISMISSED
<input type="checkbox"/> THE ABOVE EVENT WAS COLLECTED IN ERROR	<input type="checkbox"/> NO CHARGES ISSUED AFTER 1 YEAR

### THIS REQUEST APPLIES ONLY TO DNA EXPUNGEMENTS

For Databank Use Only			SID#	DB ID	DOC#
			<input type="checkbox"/> EXPUNGEMENT APPROVED		<input type="checkbox"/> EXPUNGEMENT DENIED
Function	Initials	Date	Function	Initials	Date
Datasheet/Prints Destroyed			Deleted From LDIS		
SF Place Holder Created			Deleted From SDIS		
ARMS Flag Removed			Deleted From NDIS		
SIGNATURE OF DATABANK OFFICIAL CERTIFYING THAT THE REQUEST IS COMPLETE					DATE

DB Appendix AN Expungement Request (DJ-LE-177)	Effective Date:
Revision: 1	Status: Edit
Approved following the Wisconsin State Crime Lab Quality System procedures.	



**WISCONSIN DNABANK  
BUCCAL SWAB COLLECTION KIT  
SUBMISSION FORM**

Please direct all questions to the DNA Databank at the Wisconsin State Crime Laboratory.

Place Barcode Here

DJ-LE-106 Rev.  
11/10/2016

**Phone: 608-266-2031**  
**Email: DNADatabank@doj.state.wi.us**

**SUBJECT IDENTIFIERS**      **IF THE SUBMISSION IS NOT COMPLETED CORRECTLY IT MAY BE REJECTED.**

<b>STATE IDENTIFICATION NUMBER (SID):</b>			
LAST:	FIRST :	MIDDLE :	
DATE OF BIRTH :    ___ / ___ / _____	RACE:	GENDER:	

**QUALIFYING EVENT** Only complete **ONE** section (Arrest, Conviction, or DNA Needed)  
**CHECK CRIMINAL HISTORY FOR DNA FLAG: IF CONVICTION DNA IS ON FILE DO NOT COLLECT ANOTHER SAMPLE.**

**ARREST (Check all that apply)**

Warrant Issued       **ARREST TRACKING NUMBER (ATN):** \_\_\_\_\_

Juvenile      **Arrest Date:** \_\_\_ / \_\_\_ / \_\_\_\_\_      **Statute :** \_\_\_\_\_

Adult

**CONVICTION (Check all that apply)**

Juvenile       Misdemeanor      **CCAP Case Number :** \_\_\_\_\_

Adult       Felony

Interstate Compact

**"DNA COLLECTION NEEDED"**

SAFE Team       Crime Laboratory Recollect List       Missed Collection Event

**COLLECTION AGENCY INFORMATION**      **PLEASE MAIL OUT WITHIN 24 HOURS.**

AGENCY NAME:	COLLECTION DATE :    ___ / ___ / _____
COLLECTED BY:	AGENCY CONTACT:

**FINGERPRINTS**      **COLLECT A SIMULTANEOUS FOUR FINGER PLAIN / SLAP PRINT (LEFT OR RIGHT) BELOW.**





# Wisconsin State Crime Laboratory Bureau DNA DATABANK COLLECTION GUIDE

## Step 1: Verify Identity and Check Criminal History

If no SID, Collect 10-Print Card; Send to CIB.

### IDENTIFICATION

**SYLVESTER T CAT** ←

Male / Unknown  
Born in Wisconsin; Citizen of USA;  
04/04/1946, 04/03/1946, 01/01/1956, 06/24/1969, 01/01/1941, 04/04/1947 ←  
4'11"; 0725lb; Brown Eyes; Brown Hair

FBI: 0444400 ← **MUST HAVE**  
STATE ID: W1419506 ←

EMPLOYER: Unknown  
OFFENDER NOTICE: Convicted Felon, No DNA is on file.

SCARS/MARKS/TATTOOS DATA:

GLASSES/PROSCRIPTION:

ALIAS NAMES/FRAUDULENT DATA:

Alias Names: POLAR O DEAR  
BUOS BUNNY  
SYLVESTER THE CAT

## Step 2: Check DNA Flag

DO NOT COLLECT



or



COLLECT DNA



or



## Step 3: Complete Submission Form

Submission Form can be completed on eTIME or WSCL website.

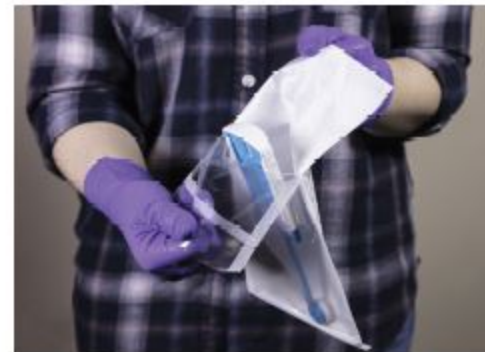
**MUST HAVE** ←

## Step 4: Prepare to Collect

a. Put on gloves



b. Open package



## Step 5: Swab Each Inner Cheek for 15 Seconds

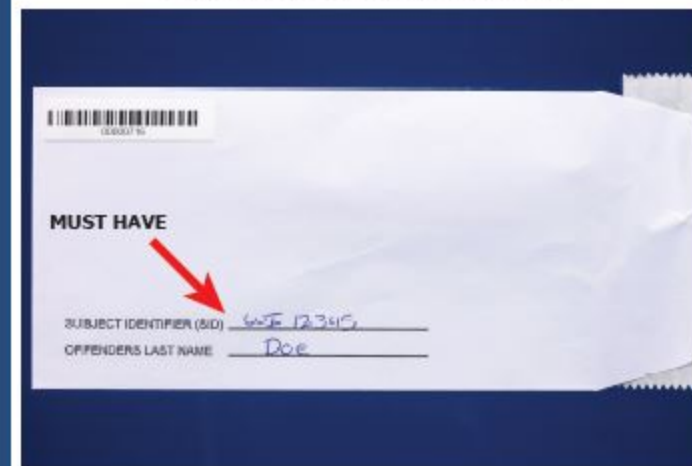


## Step 6: Close Sample - Pull, Fold, Push



## Step 7: Finalize Collection

a. Complete Coin Envelope Information



b. Circle Arrest or Conviction. Return Submission Form and Collection Device to DNA Databank.



Questions: Contact the DNA Databank at (608) 266-2031 or DNADatabank@doj.state.wi.us



**STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE**

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**Josh Kaul  
Attorney General**

**Division of Law Enforcement Services  
State Crime Laboratory - Madison**

**4626 University Avenue  
Madison, WI 53705-2174  
608/266-2031  
TTY 1-800-947-3529  
FAX 608/267-1303**

As an ongoing mission to best serve law enforcement agencies in the State of Wisconsin, the Wisconsin State Crime Laboratory Bureau will now be accepting requests to perform Familial DNA Searches. Familial DNA Search is a tool that deliberately searches for biological relatives of an unknown evidence profile obtained from crime scene evidence. This search is performed with the offender DNA profiles in the Wisconsin DNA Databank. The Wisconsin DNA Databank contains DNA profiles from individuals convicted of felony and misdemeanor crimes as well as individuals arrested of a violent felony crime where probable cause has been established.

The Familial DNA Search tool has been evaluated at the Wisconsin State Crime Laboratory Bureau in a pilot program capacity for the last three years. During that time, twenty cases have had first time searches completed. In three cases, fifteen percent, the Wisconsin State Crime Laboratory Bureau was able to provide an agency with a new investigative lead which led to the identification and apprehension of a suspect.

Due to the additional time and resources this tool requires the DNA Databank Team is only able to perform six searches a year. Additionally, the tool is only approved for use with unsolved, violent crimes where all investigative leads have been exhausted. Finally, the case needs to have a suitable STR DNA profile searching in the Combined DNA Index System (CODIS) and a Y-STR DNA profile (male DNA testing). If you have a case that you believe may be suitable for familial DNA searching, you may send the case information to Melisa Wittkowske ([wittkowskeml@doj.state.wi.us](mailto:wittkowskeml@doj.state.wi.us)) or to the DNA analyst who worked your case. They will be able to investigate and determine whether the case has met all of the science requirements.

Once a case has met the initial requirements, a Familial DNA Search request form must be completed by the law enforcement agency and the prosecutor's office and submitted to the DNA Databank. The Familial Search committee reviews all requests and triages amongst the other requests based on the public safety threat. Further, because these cases are more challenging and time consuming and because any names (i.e. candidates) provided are not direct matches and instead are potential relatives of the perpetrator, the DNA Databank requires that any agency approved for a search must attend an opening meeting to receive training on the process.

Please visit the Wisconsin State Crime Laboratory website to obtain additional information or contact the Wisconsin DNA Databank ([DNADatabank@doj.state.wi.us](mailto:DNADatabank@doj.state.wi.us)) with any additional questions.

## Wisconsin State Crime Laboratory Bureau - DNA Databank Qualifying Offenses

A qualifying offense is an event that obligates a person to provide a biological specimen to the State Crime Laboratory for DNA analysis. Qualifying offenses are listed in Wisconsin State Statutes [165.76](#), [938.34\(15\)](#), [973.047](#), and various others. This document will provide a general outline of qualifying offenses for the purposes of the DNA Databank Unit and should not be used as a definitive legal document. This list may not include every possible qualifying offense. Consult the DNA Databank Unit at (608) 266-2031 or [DNADatabank@doj.state.wi.us](mailto:DNADatabank@doj.state.wi.us) if there is a question about a qualifying offense.

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- **Arrested (or juvenile taken into custody)** on or after April 1, 2015 for a felony violation of a "violent crime". A list of qualifying violations can be found [here](#).

One of the following must apply before the arrest sample can be processed for DNA:

- A court has made a finding of probable cause that the individual committed a violent crime.
  - The individual was arrested under an arrest warrant.
  - The individual failed to appear at the initial appearance or preliminary examination, or the person waived the preliminary examination.
  - The individual failed to appear for a delinquency proceeding under ch. 938.
- **Found guilty** of:
    - Any felony conviction on or after January 1, 2000
    - Any misdemeanor conviction with an offense date on or after April 1, 2015
    - Any of the following misdemeanor convictions on or after January 1, 2000:
      - 4<sup>th</sup> Degree Sexual Assault [940.225(3m)]
      - Lewd and Lascivious Behavior [944.20]
      - Exposing Genitals to a Child [948.10(1)(b)]
      - Failure to Submit a Biological Specimen [165.765(1)]
- **In prison** for:
    - Any felony committed in WI on or after January 1, 2000
    - Any of the following violations on or after August 12, 1993:
      - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault [940.225(1) or (2)]
      - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault of a Child [948.02(1) or (2)]
      - Repeated Sexual Assault of the Same Child [948.025]
- **Found to be a Sexually Violent Person** under ch. 980 on or after June 2, 1994
- **Found not guilty by reason of mental disease or defect**
    - on or after April 1, 2015 of:
      - Any felony
      - 4<sup>th</sup> Degree Sexual Assault [940.225(3m)]
      - Endangering Safety by Use of Dangerous Weapon [941.20(1)]
      - Lewd and Lascivious Behavior [944.20]
      - Prostitution [944.30(1m)]
      - Patronizing Prostitutes [944.31]
      - Pandering [944.33]
      - Exposing Genitals to a Child [948.10(1)(b)]
      - Failure to Submit a Biological Specimen [946.52 or 165.765(1), 2011 Stats.]
    - On or after January 1, 2000, **and committed** for:
      - Any felony
      - 4<sup>th</sup> Degree Sexual Assault [940.225(3m)]
      - Lewd and Lascivious Behavior [944.20]
      - Exposing Genitals to a Child [948.10(1)(b)]
      - Failure to Submit a Biological Specimen [946.52 or 165.765(1)]
    - On or after August 12, 1993, **and committed** for:
      - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault [940.225(1) or (2)]
      - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault of a Child [948.02(1) or (2)]
      - Repeated Sexual Assault of the Same Child [948.025]
      - Sexual Assault of a Child in Substitute Care [948.085]



**Wisconsin State Crime Laboratory Bureau - DNA Databank  
Qualifying Offenses**

- **Sentenced or placed on probation** on or after August 12, 1993 - December 31, 1999 for:
  - Sexual Assault [940.225] (1<sup>st</sup> through 4<sup>th</sup> Degree)
  - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault of a Child [948.02(1) or (2)]
  - Repeated Sexual Assault of the Same Child [948.025]
- **On probation, extended supervision, parole, supervision, aftercare supervision, or in a juvenile correctional facility, secured residential care center for children and youth, or institutional care** on or after August 12, 1993 - December 31, 1999 for:
  - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault [940.225(1) or (2)]
  - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault of a Child [948.02(1) or (2)]
  - Repeated Sexual Assault of the Same Child [948.025]
  - Sexual Assault of a Child in Substitute Care [948.085]
- **In institutional care** on or after January 1, 2000 for:
  - Any felony
  - 4<sup>th</sup> Degree Sexual Assault [940.225(3m)]
  - Lewd and Lascivious Behavior [944.20]
  - Exposing Genitals to a Child [948.10(1)(b)]
  - Failure to Submit a Biological Specimen [946.52 or 165.765(1)]
- **Interstate Compact Probation Transfer into WI [\[165.76\(1\)\(e-f\)\]](#)** for a violation comparable to:
  - Any felony (in any state per legal opinion of 165.76(1)(av)) on or after January 1, 2000
  - Any of the following violations on or after July 9, 1996 - December 31, 1999:
    - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault [940.225(1) or (2)]
    - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault of a Child [948.02(1) or (2)]
    - Repeated Sexual Assault of the Same Child [948.025]
    - Sexual Assault of a Child in Substitute Care [948.085]
- **Juvenile adjudicated delinquent of:**
  - Any felony on or after April 1, 2015
  - Any of the following misdemeanors on or after April 1, 2015:
    - 4<sup>th</sup> Degree Sexual Assault [940.225(3m)]
    - Lewd and Lascivious Behavior [944.20]
    - Exposing Genitals to a Child [948.10(1)(b)]
    - Failure to Submit a Biological Specimen [946.52]
    - Endangering Safety by Use of a Dangerous Weapon [941.20(1)]
    - Prostitution [944.30(1m)]
    - Patronizing Prostitutes [944.31]
    - Pandering [944.33]
  - Any of the following violations on or after January 1, 2000 - March 31, 2015:
    - Sexual Assault [940.225] (1<sup>st</sup> through 4<sup>th</sup> Degree)
    - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault of a Child [948.02(1) or (2)]
    - Repeated Sexual Assault of the Same Child [948.025]
    - Sexual Assault of a Child in Substitute Care [948.085]
  - Any of the following violations on or after August 12, 1993 - December 31, 1999:
    - Sexual Assault [940.225] (1<sup>st</sup> through 4<sup>th</sup> Degree)
    - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault of a Child [948.02(1) or (2)]
    - Repeated Sexual Assault of the Same Child [948.025]
- **Required by a court** to provide a biological specimen for:
  - s. [51.20\(13\)\(cr\)](#), [938.21\(1m\)](#), [938.30\(2m\)](#), [938.34\(15\)](#), [970.02\(8\)](#), [971.17\(1m\)\(a\)](#), [973.047](#), or [980.063](#) on or after April 1, 2015
  - **Juvenile adjudicated delinquent** on or after August 12, 1993 - March 31, 2015 of any violation under:
    - 940 (Crimes against life and bodily security)
    - 944 (Crimes against sexual morality)
    - 948 (Crimes against children)
    - 943.01 to 943.15 (Crimes against property, includes Criminal Damage to Property, Arson, Burglary, and Criminal Trespass)

**Wisconsin State Crime Laboratory Bureau - DNA Databank  
Qualifying Offenses**

- **Sentenced or placed on probation** on or after August 12, 1993 - December, 31 1999 of any violation under:
  - 940 (Crimes against life and bodily security)
  - 944 (Crimes against sexual morality)
  - 948 (Crimes against children)
  - 943.01 to 943.15 (Crimes against property, includes Criminal Damage to Property, Arson, Burglary, and Criminal Trespass)

**“Violent crimes” as defined in s. [165.84\(7\)\(ab\)](#):**

**940.01\*** – first-degree intentional homicide  
**940.02<sup>#</sup>** – first-degree reckless homicide  
**940.03<sup>#</sup>** – felony murder  
**940.05\*** – second-degree intentional homicide  
**940.06<sup>#</sup>** – second-degree reckless homicide  
**940.07<sup>#</sup>** – homicide resulting from negligent control of vicious animal  
**940.08<sup>#</sup>** – homicide by negligent handling of a dangerous weapon, explosives or fire  
**940.09(1)<sup>#</sup>** – homicide by intoxicated use of vehicle or firearm  
**940.10<sup>#</sup>** – homicide by negligent operation of vehicle  
**940.19(2)<sup>#</sup>** – battery causing substantial bodily harm with intent to cause harm  
**940.19(4)<sup>#</sup>** – battery causing great bodily harm with intent to cause harm  
**940.19(5)<sup>#</sup>** – battery causing great bodily harm with intent to cause great harm  
**940.19(6)<sup>#</sup>** – battery causing bodily harm  
**940.195(2)<sup>#</sup>** – battery to unborn child causing substantial bodily harm with intent to cause harm  
**940.195(4)<sup>#</sup>** – battery to unborn child causing great bodily harm with intent to cause harm  
**940.195(5)<sup>#</sup>** – battery to unborn child causing great bodily harm with intent to cause great harm  
**940.195(6)<sup>#</sup>** – battery to unborn child causing harm  
**940.20<sup>#</sup>** – battery by prisoners, to certain public employees

**940.201(2)<sup>#</sup>** – battery or threat of battery to witness or family of witness  
**940.203(2)<sup>#</sup>** – battery or threat of battery to person or family of any judge, prosecutor, or law enforcement officer  
**940.205(2)<sup>#</sup>** – battery or threat of battery to DOR employee or family of DOR employee  
**940.207(2)<sup>#</sup>** – battery or threat of battery to DSPS or DWD employee or family of DSPS or DWD employee  
**940.208<sup>#</sup>** – battery to certain municipal employees  
**940.21\*** – mayhem  
**940.225(1)\*** – first-degree sexual assault  
**940.225(2)\*** – second-degree sexual assault  
**940.225(3)\*** – third-degree sexual assault  
**940.23<sup>#</sup>** – reckless injury  
**940.235\*** – strangulation and suffocation  
**940.30\*** – false imprisonment  
**940.302(2)\*** – human trafficking  
**940.305\*** – taking hostages  
**940.31\*** – kidnapping  
**940.32(2)\*** – stalking  
**940.32(2e)\*** – stalking  
**940.32(2m)\*** – stalking  
**940.43\*** – intimidation of witness  
**940.45\*** – intimidation of victim  
**941.20(2)\*** – endanger safety by use of a dangerous weapon  
**941.20(3)\*** – endanger safety by discharge of firearm from a vehicle  
**941.21\*** – disarming a peace officer  
**941.30<sup>#</sup>** – recklessly endangering safety  
**941.327\*** – tampering with household products

**943.02\*** – arson of buildings  
**943.06\*** – Molotov cocktail  
**943.10\*** – burglary  
**943.23(1g)\*** – operating vehicle without consent with dangerous weapon  
**943.23(2)\*** – operation vehicle without consent  
**943.32\*** – robbery  
**948.02(1)\*** – first degree sexual assault of a child  
**948.02(2)\*** – second degree sexual assault of a child  
**948.025\*** – repeated acts of sexual assault of same child  
**948.03(2)(a)\*** – physical abuse of a child: intentionally cause great bodily harm to child  
**948.03(2)(c)\*** – physical abuse of a child: intentionally cause bodily harm by conduct with probability to cause harm  
**948.03(3)<sup>#</sup>** – physical abuse of a child: recklessly cause bodily harm to child  
**948.03(5)(a)1-4<sup>#\*</sup>** - repeated acts of physical abuse of the same child causing great bodily harm to the child  
**948.05\*** – sexual exploitation of child  
**948.051\*** – trafficking a child  
**948.055\*** – cause child to view or listen to sexual activity  
**948.07\*** – child enticement  
**948.08\*** – soliciting child for prostitution  
**948.085\*** – sexual assault of child in substitute care  
**948.095\*** – sexual assault of child by person who works with children  
**948.30(2)\*** – abduction of another’s child

A felony if a penalty enhancer specified in s. [939.621](#) could be imposed.

# - a felony violation of this offense

\* - or solicitation, conspiracy, or attempt, under s. [939.30](#), [939.31](#), or [939.32](#), to commit this offense

## CERTIFICATION OF PROPOSED GUIDANCE DOCUMENT

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

On behalf of the Attorney General

A handwritten signature in blue ink, appearing to read "Charlotte Gibson", written over a horizontal line.

CHARLOTTE GIBSON

Division of Legal Services Administrator