

Chapter Jus 21

TRACKING OF SEXUAL ASSAULT KITS IN SEXUAL ASSAULT CASES

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Jus 21.01 Authority and purpose. The Wisconsin Department of Justice has promulgated these rules pursuant to the authority granted by s. 165.776 (4), Stats., to further the purpose of providing victims of sexual assault access to information about the status of any sexual assault kit the victim has provided, as required by s. 165.776 (2), Stats.

History: CR 23-044: cr. Register May 2024 No. 821, eff. 6-1-24; correction made under s. 35.17, Stats., Register May 2024 No. 821.

Jus 21.02 Definitions. In this chapter:

(1) “Health care professional” has the meaning given in s. 165.775 (1) (b), Stats.

(2) “Reporting victim” means a person who reports to a law enforcement agency that he or she was sexually assaulted.

(3) “Sexual assault kit” has the meaning given in s. 165.775 (1) (e), Stats.

History: CR 23-044: cr. Register May 2024 No. 821, eff. 6-1-24.

Jus 21.03 Health care professional procedures. A health care professional shall, upon collection of a victim’s sexual assault kit, enter the information for the kit in the required fields defined by the Wisconsin Sexual Assault Kit Tracking System.

History: CR 23-044: cr. Register May 2024 No. 821, eff. 6-1-24.

Jus 21.04 Law enforcement agency procedures. A law enforcement agency shall:

(1) Upon taking possession of a sexual assault kit for a reporting victim from a health care professional in Wisconsin, enter the information for the kit in the required fields defined by the Wisconsin Sexual Assault Kit Tracking System.

(2) Upon taking possession of a sexual assault kit for a reporting victim from a health care professional who collected it outside of Wisconsin, notify the state crime laboratories for assistance.

(3) When, after taking possession of a sexual assault kit from a health care professional in Wisconsin, but before submitting it to the state crime laboratories for processing, the reporting victim notifies the law enforcement agency that the victim does not want

to proceed with analysis of the kit, notify the state crime laboratories of these facts to assist the state crime laboratories in updating the information for the kit in the required fields defined by the Wisconsin Sexual Assault Kit Tracking System.

(4) Notify the state crime laboratories whenever a victim, after having first chosen not to report a sexual assault as provided in s. Jus 20.03 (2) or notified the law enforcement agency that the victim does not want to proceed with analysis of the kit as provided in sub. (3), notifies the law enforcement agency that the victim does want to proceed with analysis of the kit to allow the state crime laboratories to update the information for the kit in the required fields defined by the Wisconsin Sexual Assault Kit Tracking System.

(5) Upon receiving a victim’s sexual assault kit from the state crime laboratories after it has been processed, enter the information for the kit in the required fields defined by the Wisconsin Sexual Assault Kit Tracking System.

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Jus 21.05 State crime laboratories procedures. The state crime laboratories shall enter the information for a sexual assault kit in the required fields defined by the Wisconsin Sexual Assault Kit Tracking System in all of the following circumstances:

(1) Upon taking possession of a sexual assault kit from a victim submitted by a Wisconsin law enforcement agency.

(2) Upon taking possession of a sexual assault kit collected from a victim and submitted by a health care professional in Wisconsin.

(3) After processing is complete for a sexual assault kit from a reporting victim and the kit is ready to be returned to the submitting law enforcement agency as required under s. Jus 20.05 (2).

(4) When a sexual assault kit from victim is destroyed by the state crime laboratories after the 10-year storage period provided in s. 165.775 (4) (a), Stats.

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