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# State of Misconsin 2023 - 2024 LEGISLATURE

LRB-1431/1 CMH:amn

## **2023 SENATE BILL 1007**

February 8, 2024 - Introduced by Senators Wanggaard, Agard, Feyen, Smith, Testin, Ballweg, Cowles and L. Johnson, cosponsored by Representatives Spiros, Billings, Considine, Stubbs, Joers, Maxey, Conley, Subeck, Brandtjen, Mursau and Jacobson. Referred to Committee on Judiciary and Public Safety.

- 1 AN ACT to repeal 939.74 (2d) (c) and 939.74 (2d) (e); and to create 939.74 (2d)
  - (b) of the statutes; **relating to:** time limitations for prosecuting a felony or related crime based on a DNA profile.

## Analysis by the Legislative Reference Bureau

This bill changes the applicable time limits on prosecution when DNA evidence implicates an individual in the commission of a felony.

Under current law, prosecution for a felony generally must be commenced within six years of the commission of the felony, and prosecution of a misdemeanor must be commenced within three years of the commission of the misdemeanor. Certain crimes have a longer time limit on prosecutions; for instance, a prosecution for second- or third-degree sexual assault must be commenced within 10 years of the commission, and prosecution for certain crimes, such as first-degree homicide and first-degree sexual assault, may be commenced at any time.

Under current law, if a DNA sample is collected that implicates a person in the commission of a felony within the applicable time limit on prosecution or, if there is no time limit on prosecution, within six years of the commission of the felony, the state may commence prosecution of the person who is the source of the DNA sample for the felony or a crime that is related to the felony within 12 months after the DNA analysis results in a probable identification of the person or within the applicable time limit on prosecution, whichever is latest.

Under this bill, the statute of limitations that has expired is reset at the time a person is implicated in the commission of a felony by DNA evidence. Under the bill,

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notwithstanding that the statute of limitations has expired, the state may commence prosecution of the person for the felony or a crime related to the felony within three years beginning on the day that DNA evidence implicates the person in the crime.

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

939.74 (2d) (b) Notwithstanding that the applicable time limitation under sub.

(1) or (2) has expired, if a deoxyribonucleic acid profile implicates a known person in
the commission of a felony, the state may commence prosecution of that person for
the felony or a crime that is related to the felony for a period of 3 years following the

**Section 1.** 939.74 (2d) (b) of the statutes is created to read:

**SECTION 2.** 939.74 (2d) (c) of the statutes is repealed.

**SECTION 3.** 939.74 (2d) (e) of the statutes is repealed.

### **SECTION 4. Initial applicability.**

implication of the person in the felony.

(1) Notwithstanding s. 990.06, this act first applies to an action for which the time limit under s. 939.74 (1) or (2) for prosecution has not expired as of the effective date of this subsection.

13 (END)