



DAVID STEFFEN

STATE REPRESENTATIVE • 4TH ASSEMBLY DISTRICT

March 23, 2023

Testimony to the Assembly Committee on Criminal Justice & Public Safety on AB 36

Chairman Spiros and Committee Members,

Thank you for the opportunity to testify in favor of Assembly Bill 36 relating to the processing timeline for sexual assault kits once received by the State Crime Lab.

You may recall that last session I authored AB 67 which went on to become 2021 Act 116. Act 116 addressed our state's backlog of sexual assault kits by creating clear procedures and timelines for law enforcement and hospitals when it comes to the collection, submission and storage of kits. AB 36 will build upon the successes of Act 116 by creating processing timelines for the one party that wasn't included in Act 116, the State Crime Lab.

The Wisconsin State Crime Lab operates under the jurisdiction of the Department of Justice and is responsible for the testing and processing of sexual assault kits received by law enforcement after an assault has been alleged, suspected or charged. Under AB 36, after the Crime Lab receives a kit from law enforcement, they would be required to start processing the kit within five days and finish processing that kit within 60 days after the processing has commenced.

AB 36 is the product of ongoing discussions with the Department of Justice and the State Crime Lab. As a result of these discussions, AB 36 was tailored to accommodate the Crime Lab's workload. Specifically, under AB 36, kits that fit within any of the three categories below would be subject to the timeline outlined above (start processing in five days and finish no later than 60 after starting).

- 1) Kits in which the perpetrator of the assault is unknown and is a threat to public safety. (According to the State Crime Lab this accounts for approximately 90 kits per year).
- 2) Kits in which the evidence is related to the investigation of a suspicious death. (According to the State Crime Lab this accounts for approximately 12 kits a year).
- 3) Kits where both the county sheriff and district attorney in the county where the assault occurred have requested that the kit be processed according to the timeline within this bill. (This particular category is included in Amendment 1 to this bill).

As legislators, it is our responsibility to answer the "why" question for each new piece of legislation we introduce. The reason for this legislation may seem quite obvious. Victims of



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sexual assault deserve swift, thorough movement through the testing process at every step of the way. This timeline will ensure justice is served as quickly as possible for sexual assault victims in Wisconsin. However, in thinking about just how critical it is to promptly process these kits, I'll close with a few eye-opening facts that demonstrate just how important speedy information is, not only for victims, but for community safety as well.

From the US Department of Justice:

- Sex offenders are four times more likely to be rearrested for a sex crime than non-sex offenders.
- Sexual crime recidivism rates are as high as 39%.
- Child molesters are more likely than any other offender to be rearrested for a sex crime against a child.
- Child molesters, specifically those who target boys, have a sex crime recidivism rate of 77%.
- It is important to note the overwhelming issues of underreporting of sexual crimes, and that true sex-crime statistics are likely much higher.

AB 36 will work to ensure that victims receive the swift justice they deserve, while also helping to mitigate the significant threat that sexual offenders pose to the community-at-large.

Thank you for the opportunity to speak in favor of this bill. I encourage you to join me in supporting this legislation and am happy to answer any questions you have.



March 23rd, 2023

Representative Spiros, Chair

Representative Schutt, Vice-Chair

Members of the Assembly Committee on Criminal Justice and Public Safety

Testimony on 2023 Assembly Bill 36

Relating to: a time limit for processing sexual assault kits.

Thank you, Chairman Spiros and other members of the committee, for hearing my testimony on Assembly Bill 36 today. In 2014, a simple open records request uncovered a horrific truth: the city of Milwaukee had 2,655 untested sexual kits. This then led to an audit from the Attorney General's office that revealed 6,841 untested kits statewide. We all agreed this was unacceptable and worked across multiple sessions to address this issue.

Last session, I was proud to have voted in support of Wisconsin Act 116 and been a cosponsor of Wisconsin Act 117, two reforms that provided a new tracking structure through the Wisconsin Sexual Assault Kit Tracking System and new timeframes for those involved in the testing, transporting, storage, and reporting process. These were long overdue changes to how our state handles such sensitive material. However, there was one timeline that was not addressed.

AB 36 is simply a trailer bill to address that missing timeline for the State Crime Lab and the Department of Justice. After receiving a kit from law enforcement, the State Crime Lab must start the processing of the kit within 5 days and complete the processing within 60 days. This timeline only applies to cases where the perpetrator of the assault is unknown to the victim and poses a public safety threat, is related to an investigation of a suspicious death, and if the district attorney and the county sheriff have both signed off on the request to have a kit expedited even though it does not fit into the prior two categories. This provision was added in the amendment. Additionally, the amendment creates an additional time restraint of 6 months for all kits to be properly processed and/or stored.

We need to make sure that we do everything that we can to prevent the shameful backlog that our state once had. Sexual assault is a traumatic experience, and as a former sexual crimes investigator, I have seen firsthand the toll it takes on survivors. These types of crimes are also underreported; those who are willing to come forward and push for consequences for their perpetrator should feel that the system is working in a timely manner to help with their cases. This is a mentally and emotionally exhausting crime on our victims. Having these extra efforts in place to speed up the processing time for victims, families, and beyond is a win-win for Wisconsin.

Respectfully,

A handwritten signature in black ink, appearing to read "Jesse James".

Senator Jesse James

23rd Senate District

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