



May 10th, 2023

Senator Wanggaard, Chair
Senator Jacque, Vice-Chair
Members of the Senate Committee on Judiciary and Public Safety

Testimony on 2023 Senate Bill 37

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

Thank you, Chairman Wanggaard and other members of the committee, for hearing my testimony on Senate Bill 37 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.

SB 37 is simply a trailer bill to address that missing timeline for the State Crime Lab and the Department of Justice. After a victim gives consent for testing and DOJ receives 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 or are related to an investigation of a suspicious death. The proposed amendment creates an additional time restraint for all kits that do not fit into either of those two special categories to be properly processed and/or stored within 6 months.

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
Sen.James@legis.wisconsin.gov



DAVID STEFFEN

STATE REPRESENTATIVE • 4TH ASSEMBLY DISTRICT

May 10, 2023

Testimony to the Senate Committee on Judiciary and Public Safety on Senate Bill 37

Chairman Wanggaard and Committee Members,

Thank you for the opportunity to testify in favor of Senate Bill 37 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. SB 37 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 SB 37, after the Crime Lab receives a kit from law enforcement, for certain cases, 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.

SB 37 is the product of extensive discussions with the Department of Justice and the State Crime Lab. As a result of these discussions, SB 37 was amended to accommodate the Crime Lab's workload. Specifically, Senate Bill 37 as amended by Senate Amendment 1 to Senate Amendment 1 would create the following turnaround timelines for processing kits:

- 1) Kits in which the perpetrator of the assault is unknown and is a threat to public safety must begin being processed within five days of receipt and complete processing within 60 days after processing commenced.
(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 must begin being processed within five days of receipt and complete processing within 60 days after processing commenced.
(According to the State Crime Lab this accounts for approximately 12 kits a year).
- 3) All other kits that do not fall into categories one or two must be processed within six months.



DAVID STEFFEN

STATE REPRESENTATIVE • 4TH ASSEMBLY DISTRICT

Please note that these timelines only apply to kits where the victim has consented to having their kit processed.

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 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 data points 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.

SB 37 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. The companion version of this bill passed unanimously through the Assembly last month and I encourage you to join that chamber in supporting this legislation.

I am happy to answer any questions you have.

Sincerely,

A handwritten signature in black ink, appearing to read "David Steffen".

David Steffen
State Representative, 4th Assembly District



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

Room 114 East, State Capitol
PO Box 7857
Madison WI 53707-7857
(608) 266-1221
TTY 1-800-947-3529

PREPARED TESTIMONY OF THE DEPARTMENT OF JUSTICE

Senate Committee on Judiciary and Public Safety Committee

Wednesday, May 10, 2023

Chair Wanggaard, Vice-Chair Jacque, and Members of the Committee,

Thank you for holding today's public hearing on 2023 Assembly Bill 36/2023 Senate Bill 37, relating to a time limit for processing sexual assault kits. The Department of Justice (DOJ) submits this testimony for information only.

DOJ appreciates having had the opportunity to provide input on this legislation. As amended and passed by the Assembly, this proposal would set reasonable timelines for the processing of sexual assault kits by the Wisconsin State Crime Laboratories.

Of note, the resourcing of the crime labs has been one of the factors impacting turnaround times for evidence submitted to the labs for analysis. DOJ has requested additional positions for the crime labs, including additional positions for DNA analysts, in the 2023-2025 state budget, and I would encourage the members of this committee, and all other members of the legislature, to support additional positions and funding for the crime labs.

If you have any questions or would like any additional information, please contact Chris McKinny, Department of Justice Government Affairs Director, at (608) 224-9207 or McKinnyCJ@doj.state.wi.us.

Thank you for consideration of this testimony.