



2023 ASSEMBLY BILL 41

February 13, 2023 - Introduced by Representatives MURPHY, BRANDTJEN, BEHNKE, BODDEN, DONOVAN and WICHGERS, cosponsored by Senator JACQUE. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT to amend** 165.775 (3) (b) and 165.775 (4) (b) of the statutes; **relating to:**
2 a time limitation for processing sexual assault kits.

Analysis by the Legislative Reference Bureau

Current law contains procedures for the transmission, processing, and storage of sexual assault kits. Under current law, once the state crime laboratories takes possession of a sexual assault kit, it must do one of the following: 1) if it has received the kit of a person who has not consented to analysis, securely store the kit for a period of 10 years; or 2) if it has received the kit of a person who has consented to analysis, process the kit in accordance with Department of Justice procedures and then send the kit to a law enforcement agency for storage for a statutorily prescribed period of time. This bill provides that the state crime laboratories must process the sexual assault kit of a person who has consented to analysis within 90 days after receiving the kit.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

- 3 **SECTION 1.** 165.775 (3) (b) of the statutes is amended to read:
4 165.775 (3) (b) Except as provided in par. (c), within 14 days after taking
5 possession of the sexual assault kit, send the sexual assault kit to the state crime

ASSEMBLY BILL 41**SECTION 1**

1 laboratories for processing in accordance with the procedures specified in ~~the rules~~
2 ~~promulgated under sub. (6) within 14 days after taking possession of the sexual~~
3 ~~assault kit sub. (4) (b).~~

4 **SECTION 2.** 165.775 (4) (b) of the statutes is amended to read:

5 165.775 (4) (b) If the victim chooses to report the sexual assault to a Wisconsin
6 law enforcement agency and thus has consented to the analysis of his or her sexual
7 assault kit, process the kit within 90 days in accordance with the procedures
8 specified in the rules promulgated under sub. (6).

9 **SECTION 3. Effective date.**

10 (1) This act takes effect on the first day of the 7th month beginning after
11 publication.

12 (END)