



2023 ASSEMBLY BILL 1110

February 23, 2024 - Introduced by Representatives SPIROS, BILLINGS, BRANDTJEN, CLANCY, CONSIDINE, JOERS, S. JOHNSON, MAXEY, STUBBS, SUBECK, MURSAU and JACOBSON, cosponsored by Senators WANGGAARD, AGARD, FEYEN, COWLES, BALLWEG, TESTIN and SMITH. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT** *to repeal* 939.74 (2d) (c) and 939.74 (2d) (e); and *to create* 939.74 (2d)
2 (b) of the statutes; **relating to:** time limitations for prosecuting a felony or
3 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,

