

State of Wisconsin



2011 Assembly Bill 552

Date of enactment: **April 12, 2012**
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2011 WISCONSIN ACT 282

AN ACT to repeal 939.74 (2d) (b); to renumber and amend 939.74 (2) (a); to amend 939.74 (2d) (c); and to create 939.74 (2) (a) 2. of the statutes; relating to: statute of limitations for first-degree sexual assault, attempted homicide, and attempted first-degree sexual assault.

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

SECTION 1. 939.74 (2) (a) of the statutes is renumbered 939.74 (2) (a) 1. and amended to read:

939.74 (2) (a) 1. A prosecution under s. 940.01, 940.02, 940.03, 940.05, 940.225 (1), 948.02 (1), or 948.025 (1) (a), (b), (c), or (d) may be commenced at any time.

SECTION 2. 939.74 (2) (a) 2. of the statutes is created to read:

939.74 (2) (a) 2. A prosecution for an attempt to commit a violation of s. 940.01, 940.05, 940.225 (1), or 948.02 (1) may be commenced at any time.

SECTION 3. 939.74 (2d) (b) of the statutes is repealed.

SECTION 4. 939.74 (2d) (c) of the statutes is amended to read:

939.74 (2d) (c) If, before the applicable time limitation under sub. (1) or (2) (am), (c), (cm), or (d) for com-

mencing prosecution of a felony under ch. 940 or 948, other than a felony under s. 940.225 (1) or a felony specified in sub. (2) (a), expires, the state collects biological material that is evidence of the identity of the person who committed the felony, identifies a deoxyribonucleic acid profile from the biological material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological material for the felony or a crime that is related to the felony or both within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony results in a probable identification of the person or within the applicable time under sub. (1) or (2), whichever is latest.

SECTION 5. Initial applicability.

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

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].