

State of Misconsin 2017 - 2018 LEGISLATURE

LRB-4643/1 CMH:amn

2017 ASSEMBLY BILL 799

December 28, 2017 - Introduced by Representatives Hebl, Anderson, Berceau, Fields, Loudenbeck, Pope, Subeck and Thiesfeldt, cosponsored by Senators L. Taylor and Vinehout. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

AN ACT to repeal 165.77 (4) (am) 2. b. and 165.77 (4) (am) 3. b.; and to create

165.77 (4) (cm) of the statutes; relating to: expungement of deoxyribonucleic

acid from crime laboratories if person not adjudicated guilty or delinquent.

Analysis by the Legislative Reference Bureau

Under this bill, if a court reaches final disposition for all charges and allegations for which a person was required to provide a biological sample to the Department of Justice for deoxyribonucleic acid (DNA) analysis and the person is not found guilty or delinquent on any such charge or allegation, the court must inform DOJ. Then DOJ must purge all DNA records and information, and destroy all biological samples, pertaining to that person. Current law requires such a person to request DOJ to purge all records and information and destroy all such samples and for DOJ to verify that final disposition was reached on all charges and allegations without a guilty or delinquent verdict before fulfilling the request.

For further information see the *state and local* 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:

- **SECTION 1.** 165.77 (4) (am) 2. b. of the statutes is repealed.
- **SECTION 2.** 165.77 (4) (am) 3. b. of the statutes is repealed.

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Section 3. 165.77 (4) (cm) of the statutes is created to read:

165.77 (4) (cm) If a court reaches final disposition for all charges and allegations for which a person was required to provide a biological specimen under s. 165.84 (7), 938.21 (1m), 938.30 (2m), or 970.02 (8) and the person is not adjudged guilty or delinquent for any such charge or allegation, the court shall inform the department. Upon receiving such information, the laboratories shall purge all records and identifiable information in the data bank pertaining to the person, and destroy all samples from the person, related to those charges and allegations. The laboratories shall maintain any record, information, or sample, however, if the person is otherwise obligated to have a specimen in the data bank and complying with the requirement would result in a need to obtain a new specimen from the person.

SECTION 4. Effective date.

(1) This act takes effect on the first day of the 6th month beginning after publication.

16 (END)