

State of Misconsin 2021 - 2022 LEGISLATURE

LRB-5363/1 CMH:cdc

2021 ASSEMBLY BILL 808

January 6, 2022 - Introduced by Representatives Wichgers, Brandtjen, Murphy, Spreitzer, Snodgrass and Milroy, cosponsored by Senator Jacque. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

AN ACT to amend 939.74 (2) (ar) and 939.74 (2d) (c); and to create 939.74 (2) (ah)
of the statutes; relating to: statute of limitations for second-degree sexual
assault.

Analysis by the Legislative Reference Bureau

Current law limits the time a prosecutor has to file a criminal complaint against a person or be barred, commonly called a statute of limitation. The limit varies by the nature and severity of the crime; for instance, for most felonies the limit is six years but there is no limit for homicide or first-degree sexual assault. Under current law, a criminal complaint for second-degree sexual assault must be filed within 10 years after the assault. This bill extends the period so that a criminal complaint for second-degree sexual assault must be filed within 20 years after the assault.

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

- **SECTION 1.** 939.74 (2) (ah) of the statutes is created to read:
- 5 939.74 (2) (ah) A prosecution for a violation of s. 940.225 (2) may be commenced
- 6 within 20 years after the commission of the violation.
- 7 **Section 2.** 939.74 (2) (ar) of the statutes is amended to read:

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SECTION 2

939.74 (2) (ar) A prosecution for a violation of s. 940.225 (2) or (3) may be commenced within 10 years after the commission of the violation.

SECTION 3. 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) (ah), (am), (ar), (c), or (cm) for commencing prosecution of a felony under ch. 940 or 948, other than 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 4. Initial applicability.

(1) Notwithstanding s. 990.06, this act first applies to an act for which the time limit under s. 939.74 (2) for prosecution has not expired as of the effective date of this subsection.

19 (END)