



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-1694/1  
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## 2021 SENATE BILL 94

February 11, 2021 - Introduced by Senators DARLING, AGARD, COWLES, JACQUE, JOHNSON, LARSON, MARKLEIN, RINGHAND, L. TAYLOR, WANGGAARD and WIRCH, cosponsored by Representatives THIESFELDT, J. RODRIGUEZ, BILLINGS, BRANDTJEN, CABRERA, CALLAHAN, DRAKE, JAMES, KUGLITSCH, MILROY, MOSES, MURPHY, MURSAU, ROZAR, SHANKLAND, SKOWRONSKI, SINICKI, SUBECK, TUSLER, VINING and WICHGERS. Referred to Committee on Judiciary and Public Safety.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1     **AN ACT** *to create* 165.775 of the statutes; **relating to:** tracking of sexual assault  
2             kits in sexual assault cases, granting rule-making authority, and making an  
3             appropriation.

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***Analysis by the Legislative Reference Bureau***

This bill requires the Department of Justice to establish a database, to be known as the Wisconsin Sexual Assault Kit Tracking System, for the purpose of providing victims of sexual assault access to information about the status of any sexual assault kit the victim has provided and allowing health care professionals, forensic laboratories, law enforcement agencies, prosecutors, and the department to update and track the location and status of sexual assault kits.

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

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

4             **SECTION 1.** 165.775 of the statutes is created to read:  
5             **165.775 Sexual assault kit tracking system.** (1) In this section:  
6             (a) "Health care professional" has the meaning given in s. 154.01 (3).

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1 (b) "Law enforcement agency" means a governmental unit of one or more  
2 persons employed full-time by the federal government, a state, or a political  
3 subdivision of a state for the purpose of preventing and detecting crime and enforcing  
4 federal or state laws or local ordinances, employees of which unit are authorized to  
5 make arrests for crimes while acting within the scope of their authority.

6 (c) "Sexual assault forensic examination" means an examination performed by  
7 a health care professional to gather evidence regarding a sex offense.

8 (d) "Sexual assault kit" means the evidence collected from a sexual assault  
9 forensic examination.

10 (e) "Wisconsin law enforcement agency" means a governmental unit of one or  
11 more persons employed full-time by this state or a political subdivision of this state  
12 for the purpose of preventing and detecting crime and enforcing state laws or local  
13 ordinances, employees of which unit are authorized to make arrests for crimes while  
14 acting within the scope of their authority.

15 **(2)** The department shall establish a database, which shall be known as the  
16 Wisconsin Sexual Assault Kit Tracking System, for the purpose of providing victims  
17 of sexual assault access to information about the status of any sexual assault kit the  
18 victim has provided. The data bank shall use electronic technologies to allow  
19 continuous, ongoing access to do all of the following:

20 (a) Allow health care professionals collecting sexual assault kits, forensic  
21 laboratories, law enforcement agencies, prosecutors, and the department to update  
22 and track the location and status of sexual assault kits, including the initial  
23 collection of evidence, receipt and storage at law enforcement agencies, receipt and  
24 analysis at forensic laboratories, and destruction.

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1 (b) Allow a victim of sexual assault to anonymously track the location and  
2 status of the victim's sexual assault kit. Notwithstanding s. 165.79 (1), a victim may  
3 receive information relating to the location and status of the victim's sexual assault  
4 kit.

5 (3) (a) Whenever a Wisconsin law enforcement agency or a health care  
6 professional collects evidence in a case of sexual assault, the agency or professional  
7 shall enter the information required in the department's rules under sub. (4) into the  
8 Wisconsin Sexual Assault Kit Tracking System.

9 (b) Whenever the crime laboratories perform deoxyribonucleic acid analysis of  
10 a sexual assault kit, the crime laboratories shall enter the information required in  
11 the department's rules under sub. (4) into the Wisconsin Sexual Assault Kit Tracking  
12 System.

13 (4) The department shall promulgate rules to administer this section.

14 **SECTION 2. Fiscal changes.**

15 (1) WISCONSIN SEXUAL ASSAULT KIT TRACKING SYSTEM. In the schedule under s.  
16 20.005 (3) for the appropriation to the department of justice under s. 20.455 (2) (a),  
17 the dollar amount for fiscal year 2021-22 is increased by \$400,000 to create the data  
18 bank required under s. 165.775 (2).

19 (END)