



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1694/1
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2021 BILL

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.

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.

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).

BILL

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.

BILL

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.

SECTION 2. Fiscal changes.

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

19 (END)