

# State of Wisconsin



2009 Assembly Bill 514

Date of enactment: **April 21, 2010**

Date of publication\*: **May 5, 2010**

## 2009 WISCONSIN ACT 203

AN ACT *to repeal* 939.74 (2d) (d); *to amend* 939.74 (2) (c), 939.74 (2) (cm), 939.74 (2) (d) and 939.74 (2d) (c); *to repeal and recreate* 939.74 (2d) (b); and *to create* 939.74 (2d) (e) of the statutes; **relating to:** time limitations for commencing prosecution of crimes.

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

**SECTION 1.** 939.74 (2) (c) of the statutes is amended to read:

939.74 (2) (c) A prosecution for violation of s. 948.02 (2), 948.025 (1) (b), 948.03 (2) (a), 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, 948.085, or 948.095 shall be commenced before the victim reaches the age of 45 years or be barred, except as provided in sub. (2d) (e).

**SECTION 2.** 939.74 (2) (cm) of the statutes is amended to read:

939.74 (2) (cm) A prosecution for violation of s. 948.03 (2) (b) or (c), (3) or (4), 948.04 or 948.07 (5) or (6) shall be commenced before the victim reaches the age of 26 years or be barred, except as provided in sub. (2d).

**SECTION 3.** 939.74 (2) (d) of the statutes is amended to read:

939.74 (2) (d) A prosecution for a violation of s. 948.051 shall be commenced before the victim reaches the age of 24 or be barred, except as provided in sub. (2d).

**SECTION 4.** 939.74 (2d) (b) of the statutes, as affected by [2005 Wisconsin Acts 60](#) and [276](#), is repealed and recreated to read:

939.74 (2d) (b) If, before the time limitation under sub. (1) for commencing prosecution of a violation of s.

940.225 (1) expires, the state collects biological material that is evidence of the identity of the person who committed the violation, 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 violation of s. 940.225 (1) at any time after comparison of the deoxyribonucleic acid profile relating to the violation results in a probable identification of the person or within the applicable time under sub. (1), whichever is later, and may commence prosecution of the person who is the source of the biological material for a crime that is related to the violation under s. 940.225 (1) within 12 months after comparison of the deoxyribonucleic acid profile relating to the violation results in a probable identification of the person or within the applicable time under sub. (1) or (2), whichever is latest.

**SECTION 5.** 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) expired, (cm), or (d) for commencing 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 collected col-  
lects biological material that is evidence of the identity of

\* Section 991.11, WISCONSIN STATUTES 2007-08 : 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].

~~the person who committed a violation of s. 948.02 (2) or 948.025 (1) (e) the felony, the state identified identifies a deoxyribonucleic acid profile from the biological material, and comparisons of that compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons did not result in a probable identification of the person who is the source of the biological material, the state may commence prosecution of the person who is the source of the biological material for the violation of s. 948.02 (2) or 948.025 (1) (e) felony or a crime that is related to the violation felony or both within 12 months after comparison of the deoxyribonucleic acid profile relating to the violation felony results in a probable identification of the person or within the applicable time under sub. (1) or (2), whichever is latest.~~

**SECTION 6.** 939.74 (2d) (d) of the statutes is repealed.

**SECTION 7.** 939.74 (2d) (e) of the statutes is created to read:

939.74 (2d) (e) If, within 6 years after commission of a felony specified under sub. (2) (a), 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 a crime that is related to the felony 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 8. Initial applicability.**

(1) This act first applies to any offenses the prosecution of which is not barred on the effective date of this subsection.

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