

Chapter Jus 20

STORAGE AND PROCESSING OF SEXUAL ASSAULT KITS

Jus 20.01 Authority.
 Jus 20.02 Definitions.
 Jus 20.03 Health care professional procedures.

Jus 20.04 Law enforcement agency procedures.
 Jus 20.05 State crime laboratories procedures.

Jus 20.01 Authority. The Wisconsin Department of Justice has promulgated these rules pursuant to the authority granted by s. 165.775 (6), Stats.

History: EmR2207: emerg. cr., eff. 6-6-22; CR 22-060: cr. Register May 2023 No. 809, eff. 6-1-23.

Jus 20.02 Definitions. In this chapter:

(1) “Health care professional” has the meaning given in s. 165.775 (1) (b), Stats.

(2) “Reporting victim” means a person who reports to a law enforcement agency that he or she was sexually assaulted.

(3) “Sexual assault forensic examination” has the meaning given in s. 165.775 (1) (d), Stats.

(4) “Sexual assault kit” has the meaning given in s. 165.775 (1) (e), Stats.

History: EmR2207: emerg. cr., eff. 6-6-22; CR 22-060: cr. Register May 2023 No. 809, eff. 6-1-23.

Jus 20.03 Health care professional procedures. A health care professional shall:

(1) Except as provided in sub. (2), after conducting a sexual assault forensic examination where a sexual assault kit is collected, notify the law enforcement agency in the jurisdiction where the examination occurred within 24 hours after collection of the kit.

(2) When a victim chooses not to report a sexual assault to a law enforcement agency, send a collected sexual assault kit to the state crime laboratories for storage within 72 hours after collection of the kit.

History: EmR2207: emerg. cr., eff. 6-6-22; CR 22-060: cr. Register May 2023 No. 809, eff. 6-1-23.

Jus 20.04 Law enforcement agency procedures. A law enforcement agency shall:

(1) Upon being notified by a health care professional of the collection of a sexual assault kit, take possession of the kit within 72 hours.

(2) Upon taking possession of a sexual assault kit under sub. (1), send the kit to the state crime laboratories for processing within 14 days.

(3) When, after taking possession of a reporting victim’s sexual assault kit from a health care professional, but before submitting the kit to the state crime laboratories for processing, the reporting victim notifies the law enforcement agency that the victim does not want to proceed with the analysis of the kit, submit the kit within 14 days to the state crime laboratories for storage.

(4) Notify the state crime laboratories whenever a victim, after having first chosen not to report a sexual assault as provided in s. Jus 20.03 (2) or notified the law enforcement agency that the victim does not want to proceed with analysis of the kit as provided in sub. (3), notifies the law enforcement agency that the victim does want to proceed with analysis of the kit.

History: EmR2207: emerg. cr., eff. 6-6-22; CR 22-060: cr. Register May 2023 No. 809, eff. 6-1-23.

Jus 20.05 State crime laboratories procedures. The state crime laboratories shall:

(1) Process sexual assault kits from a reporting victim that are submitted by law enforcement agencies.

(2) Return processed sexual assault kits to the submitting law enforcement agency after processing.

(3) Securely store submitted sexual assault kits from victims who have chosen not to report the sexual assault to a law enforcement agency for 10 years from the date that the sexual assault forensic examination occurred.

(4) If, after 10 years from the date that the sexual assault forensic examination occurred, a law enforcement agency does not notify the state crime laboratories of a report of a sexual assault as provided in s. Jus 20.04 (4), destroy the sexual assault kit.

History: EmR2207: emerg. cr., eff. 6-6-22; CR 22-060: cr. Register May 2023 No. 809, eff. 6-1-23.