



State of Wisconsin
2013 - 2014 LEGISLATURE



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**SENATE AMENDMENT 4,
TO SENATE BILL 373**

March 11, 2014 – Offered by Senators HARSDORF and PETROWSKI.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 8: after “standards” insert “, deoxyribonucleic acid submission
3 and testing and the deoxyribonucleic acid analysis surcharge,”.

4 **2.** Page 5, line 22: after that line insert:

5 “**SECTION 10c.** 165.76 (1) (gm) of the statutes, as created by 2013 Wisconsin Act
6 20, is amended to read:

7 165.76 (1) (gm) Is arrested for a felony, or is taken into custody for a juvenile
8 offense that would be a felony if committed by an adult in this state, ~~and s. 165.84~~
9 ~~(7) (am) 1., 2., 3., or 4. applies to the person.~~

10 **SECTION 10e.** 165.76 (4) (c) of the statutes, as created by 2013 Wisconsin Act
11 20, is amended to read:

12 165.76 (4) (c) Allow a biological specimen, or data obtained from analysis of a
13 biological specimen, obtained under this section ~~or, under~~ s. 51.20 (13) (cr), ~~165.84~~

1 ~~(7)~~, 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, or
2 980.063, or, if the specimen is required to be analyzed under s. 165.84 (7) (am) 1m.,
3 under s. 165.84 (7) (a), to be submitted for inclusion in an index established under
4 42 USC 14132 (a) or in another national index system.

5 **SECTION 10g.** 165.77 (3) of the statutes, as affected by 2013 Wisconsin Act 20,
6 is amended to read:

7 165.77 (3) If the laboratories receive a human biological specimen under s.
8 51.20 (13) (cr), 165.76, ~~165.84 (7) (am)~~, 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02
9 (8), 971.17 (1m) (a), 973.047, or 980.063, the laboratories shall analyze the
10 deoxyribonucleic acid in the specimen. If the laboratories receive a human biological
11 specimen under s. 165.84 (7) (a), the laboratories shall analyze the deoxyribonucleic
12 acid in the specimen as provided under s. 165.84 (7) (am) 1m. The laboratories shall
13 maintain a data bank based on data obtained from deoxyribonucleic acid analysis of
14 those specimens. The laboratories may compare the data obtained from one
15 specimen with the data obtained from other specimens. The laboratories may make
16 data obtained from any analysis and comparison available to law enforcement
17 agencies in connection with criminal or delinquency investigations and, upon
18 request, to any prosecutor, defense attorney or subject of the data. The data may be
19 used in criminal and delinquency actions and proceedings.

20 **SECTION 10i.** 165.84 (7) (a) and (b) of the statutes, as created by 2013 Wisconsin
21 Act 20, are consolidated, renumbered 165.84 (7) (a) and amended to read:

22 165.84 (7) (a) Subject to rules promulgated by the department of justice under
23 s. 165.76 (4), all persons in charge of law enforcement and tribal law enforcement
24 agencies shall obtain, when the individual's fingerprints or other identifying data
25 are obtained, a biological specimen for deoxyribonucleic acid analysis from each

1 individual arrested for a felony and each individual taken into custody for a juvenile
2 offense that would be a felony if committed by an adult in this state. ~~(b) Biological~~
3 ~~samples required under par. (a) shall be obtained and, if par. (am) requires,~~
4 ~~submitted as~~ The law enforcement agency shall submit the biological specimen to the
5 crime laboratories in a manner specified in the rules promulgated by the department
6 of justice under s. 165.76 (4).

7 **SECTION 10k.** 165.84 (7) (am) (intro.) of the statutes, as created by 2013
8 Wisconsin Act 20, is amended to read:

9 165.84 (7) (am) (intro.) ~~The person in charge of the law enforcement or tribal~~
10 ~~law enforcement agency shall submit the~~ After receiving an individual's specimen to
11 submitted under par. (a), the crime laboratories for shall do one of the following:

12 1m. If, within the time limit under subd. 2m., the court notifies the crime
13 laboratories under par. (bm) that any of the following applies, analyze the
14 deoxyribonucleic acid analysis in the specimen and inclusion of include the
15 individual's deoxyribonucleic acid profile in the data bank under s. 165.77 (3) only
16 if any of the following applies:

17 **SECTION 10m.** 165.84 (7) (am) 1., 2., 3. and 4. of the statutes, as created by 2013
18 Wisconsin Act 20, are renumbered 165.84 (7) (am) 1m. a., b., c. and d., and 165.84 (7)
19 (am) 1m. c. and d., as renumbered, are amended to read:

20 165.84 (7) (am) 1m. c. The individual ~~fails~~ failed to appear at the initial
21 appearance or preliminary examination or the person ~~waives~~ waived the
22 preliminary examination.

23 d. The individual ~~fails~~ failed to appear for a delinquency proceeding under ch.
24 938.

1 **SECTION 10n.** 165.84 (7) (bm) 1. of the statutes, as created by 2013 Wisconsin
2 Act 20, is renumbered 165.84 (7) (bm) and amended to read:

3 165.84 (7) (bm) ~~Unless par. (am) 1. applies to the individual, the~~ The court shall
4 notify the ~~agency~~ crime laboratories if par. (am) ~~2., 3., or 4.~~ 1m. a., b., c., or d. applies
5 to an individual ~~the law enforcement or tribal law enforcement agency who has been~~
6 arrested.

7 **SECTION 10q.** 165.84 (7) (bm) 2. of the statutes, as created by 2013 Wisconsin
8 Act 20, is renumbered 165.84 (7) (am) 2m. and amended to read:

9 165.84 (7) (am) 2m. ~~Unless par. (am) 1. applies to the individual, if~~ If, one year
10 after the date the biological sample was ~~obtained~~ submitted under par. (a), the court
11 has not notified the crime laboratories under ~~subd. 1. the law enforcement or tribal~~
12 ~~law enforcement agency~~ par. (bm) that par. (am) ~~2., 3., or 4.~~ subd. 1m. a., b., c., or d.
13 applies to the individual, ~~the law enforcement or tribal law enforcement agency shall~~
14 destroy the biological sample.”.

15 **3.** Page 18, line 2: after that line insert:

16 “**SECTION 29c.** 2013 Wisconsin Act 20, section 9326 (1) (h) is amended to read:
17 [2013 Wisconsin Act 20] Section 9326 (1) (h) The treatment of section 973.047
18 (1f) of the statutes first applies to ~~sentences imposed or probations placements made~~
19 offenses committed on the effective date of this paragraph.

20 **SECTION 30c. Effective dates.** This bill takes effect on the day after
21 publication, except as follows:

