



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 990

**Assembly Substitute
Amendment 1**

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Contact: Don Dyke, Chief of Legal Services (266-0292)

Under *current law*, a person convicted of a felony must provide a biological specimen to the crime laboratories. The crime laboratories then analyze the specimen and store a DNA profile from the specimen in the DNA databank. **2005 Assembly Bill 990** requires a person convicted of fourth-degree sexual assault (s. 940.225 (3m), Stats.), a misdemeanor, or the crime of exposing oneself to a child, or causing a child to expose himself or herself (s. 948.10, Stats.), also a misdemeanor, to provide a biological specimen to the crime laboratories.

Under *current law*, the court may impose a \$250 DNA analysis surcharge on persons convicted of a felony and must impose the surcharge on persons convicted of certain sexual assault crimes (those under ss. 940.225, 948.82 (1) or (2), and 948.025, Stats.). **Assembly Bill 990** does not directly address the surcharge issue but by operation of current language the surcharge would be required in fourth-degree sexual assault cases if the bill were enacted. Imposition of the surcharge for the other crime added by the bill is not required or authorized under the bill as drafted.

Assembly Substitute Amendment 1 makes the following changes to the bill:

1. Adds violation of s. 944.20, Stats. (lewd and lascivious behavior), to the crimes covered by the bill.
2. Provides that the current mandatory DNA analysis surcharge also applies to persons convicted of lewd and lascivious behavior or of exposing oneself to a child, or causing a child to expose himself or herself.
3. Makes providing a biological specimen by persons convicted of the crimes added by the bill retroactive to persons convicted of those crimes who are serving confinement or are on parole, probation, or extended supervision on the effective date of the bill. However, imposition of the DNA analysis surcharge is prospective only; i.e., it first applies to persons who are sentenced or placed on probation on the effective date of the bill.

Legislative History

Assembly Substitute Amendment 1 was offered by the Assembly Committee on Judiciary which recommended its adoption by a vote of Ayes, 7; Noes, 0. The committee recommended passage of the proposal, as amended, by a vote of Ayes, 7; Noes, 0.

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