

State of Misconsin 2009 - 2010 LEGISLATURE

LRB-3474/1 PJH:jld&nwn:md

## **2009 SENATE BILL 639**

March 23, 2010 – Introduced by Senators COGGS, CARPENTER, LEHMAN and PLALE, cosponsored by Representatives BARCA, CULLEN, TURNER, BIES, POPE-ROBERTS, YOUNG, ZEPNICK and VRUWINK. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

1 AN ACT to amend 165.765 (1) of the statutes; relating to: failing to provide a

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biological specimen for deoxyribonucleic acid analysis and providing a penalty.

## Analysis by the Legislative Reference Bureau

Under current law, the following people are required to submit biological specimens to the crime laboratories for deoxyribonucleic acid (DNA) analysis: a person sentenced or placed on probation in Wisconsin for a felony (a crime for which a person may be sentenced to prison) or one of the several specified misdemeanors; a person found to be a sexually violent person; a person on probation, parole, or extended supervision in Wisconsin for a crime committed in another state that would be a felony if committed in Wisconsin; and a person found not guilty by reason of mental disease or defect or adjudicated delinquent for certain felony sexual assaults. In addition, a court may order a juvenile who is adjudicated delinquent for certain other offenses to provide a biological specimen for DNA analysis. A person who is required to provide a biological specimen for DNA analysis and intentionally fails to do so is subject to a fine not to exceed \$10,000 or imprisonment not to exceed nine months or both.

Under this bill, a person who is required to provide a biological specimen for DNA analysis and intentionally fails to do so is subject to a fine of not less than \$15,000 nor more than \$25,000 or imprisonment for not longer than one year and six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state and local* 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:

1	<b>SECTION 1.</b> 165.765 (1) of the statutes is amended to read:
2	165.765(1) Whoever intentionally fails to comply with a requirement to submit
3	a biological specimen under s. 165.76, 938.34 (15), 973.047, or 980.063 may be fined
4	not <u>less than \$15,000 nor</u> more than <del>\$10,000 <u>\$25,000</u> or imprisoned for not more than</del>
5	9 <u>18</u> months or both.
6	(END)

(END)