



2017 ASSEMBLY BILL 404

June 26, 2017 - Introduced by Representatives SARGENT, KOLSTE, BERCEAU, ANDERSON, SPREITZER, FIELDS, C. TAYLOR, CONSIDINE, OHNSTAD, VRUWINK and SUBECK, cosponsored by Senators CARPENTER, JOHNSON and L. TAYLOR. Referred to Joint Legislative Audit Committee.

1 **AN ACT relating to:** directing an audit of the testing of sexual assault kits in
2 Wisconsin.

Analysis by the Legislative Reference Bureau

This bill directs the Legislative Audit Bureau to conduct a study of the policies and procedures of the Department of Justice related to the testing of sexual assault evidence kits in Wisconsin as well as the financial status of DOJ's program for testing sexual assault evidence kits.

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

3 **SECTION 1. Nonstatutory provisions.**

4 (1) STUDY OF THE DEPARTMENT OF JUSTICE PROCESS FOR TESTING OF AND
5 EXPENDITURES RELATED TO SEXUAL ASSAULT EVIDENCE KITS. By January 1, 2019, the
6 legislative audit bureau shall review the policies and procedures of the department
7 of justice regarding the testing of sexual assault evidence kits in Wisconsin and the
8 financial status of the sexual assault evidence kit testing program within the

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1 department. The review shall identify all of the following with respect to the analysis
2 of sexual assault evidence kits:

3 (a) The total number of sexual assault evidence kits that are currently untested
4 and identify how that number has changed over time.

5 (b) The rate or frequency at which the department of justice receives new sexual
6 assault evidence kits and from which jurisdictions they are received.

7 (c) The typical length of time that a sexual assault evidence kit remains
8 untested.

9 (d) The state funding source the department of justice used to pay for sexual
10 assault evidence kit testing prior to accepting any grants to pay for the testing of
11 sexual assault evidence kits, and determine whether the grant funding has replaced
12 or augmented the state funding.

13 (e) The specific grant requirements that govern the processing and testing of
14 sexual assault evidence kits.

15 (f) Any written protocols the department of justice has developed for processing
16 sexual assault evidence kits.

17 (g) If the department of justice has a written protocol for processing sexual
18 assault evidence kits, the sources outside the agency that were involved in the
19 creation or review of the protocol.

20 (h) If the department of justice has a written protocol for processing sexual
21 assault evidence kits, the training the department has provided to its staff on the
22 application of the protocol.

23 (i) The specific vendors the department of justice has contracted to test sexual
24 assault evidence kits, how the vendors were selected, and how the selection of
25 vendors has changed over time.

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1 (j) The role state diagnostic laboratories can play in addressing the untested
2 sexual assault evidence kits.

3 (k) The limitations that currently exist on the maximum number of sexual
4 assault kits that can be tested each month and whether those limitations are the
5 result of funding limitations, grant requirements, capacity at the vendors chosen by
6 the department of justice to process the kits, or any other reason.

7 (L) How the department of justice has reported to grant providers on its
8 progress in testing sexual assault evidence kits in the time since the department has
9 accepted grant funding.

10 (l) Any available best practices that the department of justice should follow for
11 the testing of sexual assault evidence kits by assessing grant progress reports
12 submitted by other states concerning their strategies for addressing untested sexual
13 assault evidence kits.

14 (m) Any alternative options for testing sexual assault evidence kits that would
15 quickly reduce the number of untested sexual assault evidence kits.

16 (n) Any alternative protocols that the department of justice should adopt to
17 reduce the number of untested sexual assault evidence kits.

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(END)