



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-3656/1  
MLJ:amn

## 2021 ASSEMBLY BILL 386

June 7, 2021 - Introduced by Representatives THIESFELDT, BRANDTJEN, EDMING, MOSES, ROZAR and SCHRAA, cosponsored by Senators FEYEN, JACQUE, RINGHAND and WANGGAARD. Referred to Committee on Judiciary.

1     **AN ACT to amend** 939.74 (1); and **to create** 939.74 (2b) of the statutes; **relating**  
2     **to:** the time limitation for prosecution of lesser included offenses.

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*Analysis by the Legislative Reference Bureau*

Current law provides the time limitations on prosecutions for various crimes. This bill provides that if a prosecution has been commenced for first-degree intentional homicide, first-degree reckless homicide, first degree sexual assault, or first degree sexual assault of a child, and if a jury finds the defendant guilty of a lesser included crime, the defendant may be convicted of the lesser included crime even if the time to commence a prosecution for the lesser crime has expired.

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

3     **SECTION 1.** 939.74 (1) of the statutes is amended to read:  
4     939.74 (1) Except as provided in subs. (2), ~~(2b)~~, and (2d) and s. 946.88 (1),  
5     prosecution for a felony must be commenced within 6 years and prosecution for a  
6     misdemeanor or for adultery within 3 years after the commission thereof. Within the  
7     meaning of this section, a prosecution has commenced when a warrant or summons  
8     is issued, an indictment is found, or an information is filed.

