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To: The Senate Committee on Judiciary and Public Safety
From: Sen. Dan Feyen
Re: Senate Bill 628

Hello members of the committee and thank you for taking the time to hold a public hearing on SB 628.

This simple bipartisan bill requires that a DNA test is required only after a person's first felony or misdemeanor conviction instead of after each and every felony or misdemeanor.

Currently, state law requires courts to order a DNA test following a felony or misdemeanor conviction in order to submit that information to the state crime laboratories. Courts also must order subsequent DNA tests for every conviction thereafter.

Since your DNA doesn't change over the course of time and the information has already been recorded, any additional testing is used as another way to levy fines against the convicted.

Any person who has a sentence imposed or is placed on probation is charged \$250 for each felony conviction and \$200 for each misdemeanor conviction. This can be financially prohibitive to the convicted and is unnecessarily repetitive.

Thank you again for holding a public hearing on this important legislation. I look forward to answering any questions you may have.



STATE REPRESENTATIVE
DAVID BOWEN

WISCONSIN STATE ASSEMBLY

10TH DISTRICT

**Public Testimony of Rep. David Bowen
Senate Bill 628
January 13, 2022**

Chairman Wanggaard and Members of the Senate Committee on Judiciary and Public Safety,

Thank you for allowing me to testify in support of Senate Bill 628 relating to deoxyribonucleic acid analysis surcharges.

During my tenure as a state legislator, I have prioritize supporting bipartisan, common sense criminal justice reform legislation. This bill is not only common sense, but is the right thing to do for those in our communities who have made a mistake and are already serving time and paying restitution.

The DNA of an individual does not change throughout the course of their life. No matter how many criminal convictions they have, their DNA will stay the same. Once an individual has submitted a DNA sample upon conviction, there is no reason that they should be required to continue to pay to have their DNA submitted for subsequent criminal convictions. The way we currently collect DNA is unnecessarily repetitive and costly to incarcerated individuals across the state of Wisconsin and their families, and constitutes an unnecessary burden on those who are already paying their debt to society. Additionally, this surcharge upon conviction does nothing to deter crime, and hinders an individual's ability to pay restitution.

I want to thank Sen. Feyen for bringing this bill forward, and I want to thank the members of this committee for allowing me to testify, and I hope I can count on each member of this committee to unanimously vote this bill to the floor of the Senate.





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Senate Committee on Judiciary & Public Safety
Thursday, January 13, 2022
Senate Bill 628

Chair Wanggaard & members,

Thank you for the opportunity to provide feedback on Senate Bill (SB) 628, which changes the structure of fees charged to individuals for the collection of DNA samples at conviction. The State Public Defender (SPD) provides representation for financially eligible, indigent individuals accused of a crime. The limited financial means of SPD clients often means that excessive fines and fees can have an impact long after their sentence has been served.

The current structure of the DNA surcharge allows for repeated imposition of the surcharge without the need to retest the DNA sample. Simply, once a person has been convicted and tested the first time, there is no need to re-impose the surcharge for additional counts or in the future as their DNA will not have changed. A government imposed surcharge should not be levied when a service is not provided.

In addition, there are numerous empirical studies, including one from the Legislative Audit Bureau, that shows diminishing return on collection of fines and fees when more is levied. Intuitively this makes sense, especially for clients without financial means.

In practice, it is not as simple as fees being imposed with the understanding that they may not be universally collected. Once the fees are imposed, they can lead to an extension of community supervision, tax intercept, or perhaps most significantly, conversion to a civil judgment. A civil judgment can turn into a debt that can follow a person for many years. It can lead to limited access to employment and housing as well as future criminal justice involvement.

The SPD appreciates that the authors have introduced SB 628. It better correlates the imposition of a surcharge with the service provided by the state.