

ANDRÉ JACQUE

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*Testimony before the Senate Committee on Judiciary and Public Safety
Senator André Jacque
January 13, 2022*

Chairman Wanggaard and Committee Members,

Senate Bill 787 extends the statute of limitations for second-degree sexual assault.

According to RAINN (Rape, Abuse & Incest National Network), “Every 98 seconds an American is sexually assaulted, and every eight minutes, authorities find evidence that a child in America has been the victim of sexual abuse. More than two-thirds of these crimes are never reported to police and only six out of every 1,000 perpetrators will end up in prison.” We can, and must, do better for the hundreds of women, men, and children who are sexually assaulted each day.

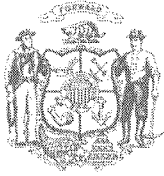
Currently, arbitrary criminal statutes of limitations limit victims’ access to justice and the ability to take rapists off the streets. Wisconsin currently has a 10 year statute of limitations for 2nd degree felony sexual assault, which is one of the shorter time periods at the state level for bringing charges for similar felony sexual assaults nationwide. 2nd degree sexual assault is a Class C felony, defined as sexual contact or intercourse without consent of the victim, and includes the presence of any one of the following outcomes or situations:

- Use of violence or force
- Disease, illness, injury or mental illness requiring psychiatric care occur
- The victim suffers from a mental illness or disability that made them incapable of giving consent
- The victim was under the influence of alcohol or drugs
- The victim was unconscious
- The individual who committed the assault was aided or abetted by one person or multiple people
- The individual who committed the assault was a specialized caregiver at institutions such as a foster home, health care facility or group home

Senate Bill 787 extends the statute of limitations for 2nd degree sexual assault to 20 years.

Altering a statute of limitations does not change in any way the burden of proof required to convict a defendant and provide evidence that proves guilt beyond a reasonable doubt. Statutes of limitations do not eliminate that burden nor make it easier to convict someone. As our understanding of sexual violence evolves, so too does our understanding of its effects. For many, a delayed decision to report is the product of the very real and devastating physical and psychological effects of the crime.

Making this change now will ensure more victims have the opportunity to report it to law enforcement in the future- we cannot hold back prosecutors who are ready and willing to work to achieve justice for more victims and hold perpetrators accountable. Advancements in technology have yielded new forms of evidence from when statutes of limitation were originally created, including DNA, cell phone video and audio recordings. These types of evidence, when properly stored, do not erode over time. States that have eliminated their statutes of limitations or expanded them have not lamented an undue burden on the courts. This makes sense: prosecutors will only pursue cases where they are apt to meet the high burden of proof.



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Updating the statute of limitations is not retroactive and will only apply to crimes committed after the law is passed. If a sexual assault occurred 12 years ago, and this legislation becomes law, it will still not be chargeable.

Thank you for your consideration of Senate Bill 787.



CHUCK WICHGERS

STATE REPRESENTATIVE • 83rd ASSEMBLY DISTRICT

Senate Committee on Judiciary and Public Safety

January 13, 2022

Senate Bill 787

State Representative Chuck Wichgers, 83rd Assembly District

Chairman Wanggaard and Committee Members,

Thank you for hearing my testimony today on Senate Bill 787.

Senator Jacque and I introduced this legislation last session with bi-partisan support. Unfortunately, due to the government shutdown, the bill failed to pass as did many other pieces of good legislation. We are hopeful that the bill can move forward this session and appreciate your support.

Current law limits the time a victim of second-degree sexual assault can file charges to 10 years. This bill simply extends that time period to 20 years after the assault. The victim of a sexual assault may have many reasons for not filing a criminal complaint against a person. The memory and effects of that assault, however, will last a lifetime.

This bill will allow a victim to seek justice for a crime when she is ready and able to do so.

Again, this bill has bi-partisan support and I urge the committee to vote for passage. I look forward to seeing the Governor sign this important legislation into law.

Thank you for your consideration of my testimony.



January 12, 2022

Honorable Van H. Wanggaard
Chair
Committee on Judiciary & Public Safety
Wisconsin Senate
State Capitol, Room 411 South
Madison, WI 53703

Honorable Lena C. Taylor
Ranking Member
Committee on Judiciary & Public Safety
Wisconsin Senate
State Capitol, Room 411 South
Madison, WI 53703

Dear Chairman Wanggaard and Ranking Member Taylor:

We are writing to you today regarding SB 787, which would extend Wisconsin's statute of limitations for second degree sexual assault from 10 to 20 years, thereby lengthening the time victims of sexual violence may pursue justice against their perpetrator. We ask for your support in favor of this legislation.

As you may be aware, RAINN is the nation's largest anti-sexual assault organization. Founded in 1994, RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE and rainn.org) and carries out programs to support victims, educate the public, improve public policy, and help companies and organizations improve the way they prevent and respond to sexual violence.

Many victims of sexual assault take years to process their assault, often blaming themselves or not coming forward because they are threatened by offenders to remain silent. Others fear they will be disbelieved or that law enforcement cannot help them. We have a responsibility to create a justice system where more victims choose to report because they believe it is in their best interest. Reducing barriers to a victim's ability to report the crimes committed against them serves Wisconsin's public safety interest in holding perpetrators of sexual assault – who are often serial offenders – accountable.

The need to reform our criminal statute of limitation laws has never been clearer, and we applaud Wisconsin for taking a critical look at their laws in this area. We offer our support for S.B. 787 to extend the statute of limitations for second degree sexual assault to ensure that victims have access to the criminal justice system. Wisconsin should not continue to reward offenders for being good at hiding their crimes.

We encourage your support in prioritizing the public safety of Wisconsin's citizens and ensuring access to justice for survivors of sexual violence and exploitation.



Sincerely,

Scott Berkowitz
President

CC: Honorable Wimberger
Honorable Darling
Honorable Jacque
Honorable Bradley
Honorable Roys