

DOJ - Communications Office

Sent: Thursday, January 23, 2020 10:00 AM
To: DOJ - Communications Office
Subject: RE: Assembly Bill 214

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From: Rep. Sanfelippo <Rep.Sanfelippo@legis.wisconsin.gov>
Date: Thu, Jan 16, 2020 at 10:35 AM
Subject: RE: Assembly Bill 214
To:

Dear ,

The Attorney General already has the authority to put these processes in place. In fact, former Attorney General Brad Schimel did just that.

When Schimel took over as AG, there were approximately 4,400 rape kits waiting to be tested. On his own, and without action by the legislature AG Schimel put the rules in place and by the end of his term 4,100 of the backlogged kits had been tested. Shortly after Josh Kaul took over as AG, the remaining 300 or so kits were tested and the backlog was eliminated. Schimel's rules remain in practice today.

When I met with AG Kaul earlier this year I expressed my reluctance to take away his authority by having the legislature put this policy into statute rather than leaving it in agency rules. With technology advancing daily, it is quite possible that a new, better or faster process for testing rape kits may come available in the future. Putting the rules into statute takes away the Attorney General's power to act on his own and would result in a much more involved and lengthy process requiring the legislature and Governor to be involved before any changes could take place. By leaving the authority to set the rules that govern the testing of rape kits with the Attorney General (whether it be Josh Kaul or anyone else) we are providing a much faster process for those rules to be updated to reflect any new technology or process.

Frankly, if the bill AG Kaul is asking for now was in place when Brad Schimel was AG, Schimel would not have been able to develop the rules that have led to the elimination of the entire backlog as quickly as he did. I am not willing to pass a bill that I believe could be harmful to public safety, and while this bill may be good politics for the Attorney General it is bad policy for the citizens of Wisconsin.

I hope my explanation gives you a better understanding of the process and why I feel that, in this instance, we are better off leaving the authority to set rules with the Attorney General.

Yours Truly,

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