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NEWS FOR IMMEDIATE RELEASE

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AG Kaul Urges Assembly Health Committee to Hold Public Hearing on Legislation to Prevent Future Backlog of Untested Sexual Assault Kits

MADISON, Wis. – Attorney General Josh Kaul today urged Rep. Joe Sanfelippo (R-West Allis), chair of the Assembly Committee on Health, to immediately hold a public hearing on [legislation](#) designed to prevent a future backlog of untested sexual assault kits.

“This legislation will help prevent another backlog of untested sexual assault kits. It has the support of the Wisconsin Chiefs of Police Association, Wisconsin Nurses Association, Wisconsin Coalition Against Sexual Assault, End Domestic Abuse Wisconsin, and YWCA Madison. It was approved by the State Senate on a voice vote and is supported by a majority of the members of the State Assembly,” said Attorney General Kaul. “I’m calling on Rep. Joe Sanfelippo to hold a public hearing and to schedule a vote on this legislation.”

The legislation was introduced by a group of bipartisan legislators in May 2019: Sen. Robert Cowles (R-Green Bay), Sen. Patty Schachtner (D-Somerset), Rep. Melissa Sargent (D-Madison), and Rep. David Steffen (R-Green Bay).

Since May, the support for this legislation has increased:

- The [legislation is co-sponsored](#) by 71 senators and representatives (46 Democrats, 25 Republicans), including a majority of members of the Assembly (55).
- **The legislation was approved 5-0 in the Senate Committee on Insurance, Financial Services, Government Oversight and Court.**
- **The legislation was passed by the State Senate in October 2019.**

- The Wisconsin Chiefs of Police Association, Wisconsin Nurses Association, and Wisconsin Coalition Against Sexual Assault has registered in support of the legislation, and no organizations are registered against the legislation.

The Assembly Committee on Health received the legislation on May 15, 2019 and has taken no action on the legislation. Members of the committee are:

- Rep. Joe Sanfelippo, Committee Chair (R-West Allis)
- Rep. Tony Kurtz, Committee Vice-Chair (R-Wonewoc)
- Rep. Jessie Rodriguez (R-Oak Creek)
- Rep. James Edming (R-Glen Flora)
- *Rep. Ken Skowronski (R-Franklin)
- Rep. Chuck Wichgers (R-Muskego)
- *Rep. Dave Murphy (R-Greenville)
- Rep. Nancy VanderMeer (R-Tomah)
- Rep. Mary Felzkowski (R-Irma)
- Rep. Gae Magnafici (R-Dresser)
- *Rep. Debra Kolste (D-Janesville)
- *Rep. Daniel Riemer (D-Milwaukee)
- *Rep. Lisa Subeck (D-Madison)
- Rep. Jimmy Anderson (D-Fitchburg)
- *Rep. Robyn Vining (D-Wauwatosa)

*Denotes co-sponsors of legislation.

"Over 28 years of law enforcement in Sheboygan County, I believe there are a number of reasons that contributed to a large number of sexual assault kits that weren't tested in Wisconsin. The Attorney General's Sexual Assault Response Team, which I have the honor of co-chairing, is striving to address all of those reasons. The bottom line, however, is that we cannot allow this to happen again. By creating legislation that requires law enforcement and our forensic medicine partners to submit sexual assault kits within a given time frame after receiving them, we are taking great strides to prevent this from occurring in the future. The AG SART will continue to determine and seek to implement best practice around sexual assault investigations, but disciplines, agencies, and individuals are not bound by best practice. As such, I encourage the Assembly to pass this legislation," said Captain Corey Norlander of the Sheboygan County Sheriff's Office.

"The Wisconsin Chapter of the International Association of Forensic Nurses (WI-IAFN) supports legislation in the state that focus on the timely and patient centered process for the collection and processing of Forensic Evidence collection kits. We also support any initiative that provides compassionate, timely, supportive and standardized care for victims of violence and maintains the safety of healthcare workers who provide these services to this patient population," said Jamie Counsell-Barker, BSN, RN and President of WI-IAFN.

“As a sensitive crimes prosecutor over a decade, I fundamentally believe it is imperative we treat survivors with care and respect. When sexual assault survivors entrust system actors with the most sensitive of information and evidence, it is our obligation to process and report the results as quickly, efficiently, and effectively as possible,” said Eau Claire County Assistant District Attorney Crystal Jensen.

Under current law there is no clear statutory procedure for the collection and processing of sexual assault kits. This lack of a standard process has resulted in thousands of kits not being submitted to the state crime laboratory for testing until recent state and national efforts. The legislation creates procedures that will prevent a backlog in the future.

Under the bill, when a health care professional collects sexual assault evidence, a victim will have the choice to report to law enforcement or not. If the victim chooses not to report to law enforcement, the health care professional will send the kit to the state crime laboratories for storage within 72 hours. The crime lab will then store the kit for up to 10 years, or until the victim decides to report to law enforcement. This feature of the bill provides the sexual assault survivor with options in the event they change their mind about reporting.

If a victim does choose to report to law enforcement, under the proposed legislation the health care professional will notify law enforcement within 24 hours after collecting the sexual assault kit. The law enforcement agency then has 72 hours to collect the kit from the health care professional, and then 14 days to send the kit to the state crime laboratories for analysis.

The bill would also enable the Wisconsin Department of Justice (DOJ) to collect valuable information on sexual assault kits to better inform future evidence-based analysis and policy making.