

Josh Kaul
Wisconsin Attorney General



P.O. Box 7857
Madison, WI 53707-7857

NEWS FOR IMMEDIATE RELEASE

May 20, 2019

**Legislation to Prevent Future Backlog of Untested Sexual Assault Kits
Introduced with Bipartisan Support**

MADISON, Wis. – Attorney General Josh Kaul and bipartisan bill authors, Sen. Rob Cowles, Sen. Patty Schachtner, Rep. Melissa Sargent, and Rep. David Steffen, today announced legislation designed to prevent a future backlog of untested sexual assault kits has been introduced as [Assembly Bill 214](#) and [Senate Bill 200](#) with bipartisan support from 49 legislators.

“This bill seeks to ensure that Wisconsin doesn’t have another backlog of untested sexual assault kits. Thank you to the strong bipartisan group of legislators who are supporting this legislation,” said Attorney General Kaul.

“We are one step closer to permanently eliminating Wisconsin’s backlog of untested sexual assault kits. I look forward to solving this multi-decade problem and finally providing relief and justice for the victims of sexual assault,” said Rep. David Steffen (R-Green Bay).

"Survivors of sexual violence deserve to know that their kits are being processed in a timely and efficient manner," said Senator Patty Schachtner (D-Somerset). "I'm proud to see broad, bipartisan support behind this proposal."

“We have been talking about this issue for too long, and it is so refreshing to see that we are now taking nonpartisan, common sense, and pragmatic action to stand up for survivors as well as to hold offenders accountable for these traumatic crimes,” said Rep. Melissa Sargent (D-Madison). “The prevention of backlogs of untested sexual assault kits is a crucial step in supporting survivors of sexual violence and ensures a procedure that upholds survivors’ dignity and their right to a fair and just process.”

“The rape kit testing backlog accumulated through decades of failures to properly handle this evidence. Thankfully, this legislation will create the statutory safeguard necessary to ensure that this crucial evidence will follow new guidelines to prevent the circumstances that occurred in the past,” said Sen. Rob Cowles (R-Green Bay).

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 proposed 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.

[Read the introduced legislation.](#)

Representatives (14-D, 20-R):

1. Rep. Ballweg (R)
2. Rep. Bowen (D)
3. Rep. Brandtjen (R)
4. Rep. Brostoff (D)
5. Rep. Considine (D)
6. Rep. Duchow (R)
7. Rep. Hutton (R)
8. Rep. Kerkman (R)
9. Rep. Kitchens (R)
10. Rep. Kulp (R)

- 11.Rep. Macco (R)
- 12.Rep. Meyers (D)
- 13.Rep. Murphy (R)
- 14.Rep. Mursau (R)
- 15.Rep. Myers (D)
- 16.Rep. Ohnstad (D)
- 17.Rep. Plumer (R)
- 18.Rep. Pope (D)
- 19.Rep. Quinn (R)
- 20.Rep. Ramthun (R)
- 21.Rep. Sargent (D) - Bill Author**
- 22.Rep. Shankland (D)
- 23.Rep. Sinicki (D)
- 24.Rep. Skowronski (R)
- 25.Rep. Snyder (R)
- 26.Rep. Spiros (R)
- 27.Rep. Spreitzer (D)
- 28.Rep. Steffen (R) - Bill Author**
- 29.Rep. Subeck (D)
- 30.Rep. Taylor (D)
- 31.Rep. Thiesfeldt (R)
- 32.Rep. Tittl (R)
- 33.Rep. Tusler (R)
- 34.Rep. Vining (D)

Senators (11-D, 4-R):

1. Sen. Carpenter (D)
- 2. Sen. Cowles (R) - Bill Author**
3. Sen. Darling (R)
4. Sen. Hansen (D)
5. Sen. Johnson (D)
6. Sen. Larson (D)
7. Sen. Petrowski (R)
8. Sen. Ringhand (D)
9. Sen. Risser (D)
- 10.Sen. Schachtner (D) - Bill Author**
- 11.Sen. Shilling (D)
- 12.Sen. Smith (D)
- 13.Sen. Taylor (D)
- 14.Sen. Wanggaard (R)
- 15.Sen. Wirch (D)