

## WISCONSIN



State legislatures consider and enact laws that address the administration and use of forensic science by state justice systems. Issues addressed in these measures include the delegation of oversight responsibilities for forensic services, accreditation standards for forensic laboratories, access to post-conviction DNA testing, the collection and analysis of DNA samples from arrested and convicted individuals and procedures for eyewitness identification. Following is information on this state's legislative activity on forensic science issues. More information on forensic science policy from all 50 states and the District of Columbia is available on the NCSL [forensic science page](#).



### **Administration of State Forensic Services** ..... §§ 165.75, .77

The state administers its forensic services through the Wisconsin Department of Justice.

### **Convicted Offender DNA Analysis** ..... § 973.047

People convicted of any felony, as well as crimes of sexual contact without permission, lewd and lascivious behavior and exposing genitals, must submit a DNA sample to state officials. Sample collection applies to juveniles. After April 1, 2015 the state will collect samples for all misdemeanor convictions.

### **Arrestee DNA Analysis** ..... §§ 165.76, 165.84

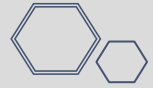
People arrested for any felony must submit a DNA sample to state officials. A probable cause hearing is required before a judge. The sample is collected at booking. It can be analyzed when it is collected if the individual was arrested with a warrant. If the individual was not arrested pursuant to a warrant, the sample can be analyzed after the probable cause hearing. Expungement is automatic. Sample collection applies to juveniles. The Department of Justice may make rules to implement DNA collection.

### **Post Conviction DNA Analysis** ..... § 974.07

The state allows an individual convicted of a crime to apply for post-conviction DNA testing. Their application must raise a reasonable probability the results of the test would have resulted in non-conviction. Wisconsin code has specifications for the preservation of biological evidence.

### **Sexual Assault Evidence and Backlogs** ..... § 175.405

State standards address protocols for submission of sexual assault evidence by law enforcement.



**Eyewitness Identification Procedures** ..... § 175.50

The state requires each law enforcement agency to adopt written procedures for eyewitness identification. The Wisconsin Attorney General created a [model policy](#) for eyewitness identification.

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