

DOJ: Assembly Health Committee fails to act on Sexual Assault Kit legislation

Posted on Monday, Jan 13, 2020

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MADISON, Wis. – Last week, the Assembly Committee on Health held a public hearing, but it again failed to take up bipartisan [legislation](#) designed to prevent a future backlog of untested sexual assault kits. The legislation has been co-sponsored by a majority of the State Assembly.

In December, Attorney General Josh Kaul urged Rep. Joe Sanfelippo (R-West Allis) to immediately hold a public hearing on Senate Bill 200/Assembly Bill 214. [According to reporting by the AP](#), “Rep. Joe Sanfelippo, chairman of the Assembly Health Committee that has the bill, said he planned to hold a hearing on it and expected it would be pass before the end of session [this] year.” On January 7, however, the committee held a public hearing on several bills, but not the proposed sexual assault kit legislation, which has been assigned to the committee since May 2019.

“This legislation is supported by the Wisconsin Chiefs of Police Association, Wisconsin Nurses Association, and Wisconsin Coalition Against Sexual Assault. Failure to act on this legislation is bad for survivors of sexual assault and bad for public safety,” said Attorney General Kaul.

“Rep. Sanfelippo should stop blocking this legislation, which has been awaiting a hearing since May of 2019. There is no reason the Assembly Committee on Health shouldn’t hear from supporters on this legislation and take a vote,” continued Attorney General Kaul.

The legislation was introduced by a bipartisan group of 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).

There is strong support for this legislation:

- The [legislation is co-sponsored](#) by 72 senators and representatives (47 Democrats, 25 Republicans), including a majority of the members of the State Assembly (56).
- The legislation was approved 5-0 in the Senate Committee on Insurance, Financial Services, Government Oversight and Courts. Those senators are:
 - Senator David Craig (R-Big Bend)
 - Senator Duey Stroebel (R-Saukville)
 - Senator Dan Feyen (R-Fond du Lac)
 - Senator Fred Risser (D-Madison)
 - Senator Lena Taylor (D-Milwaukee)
- The legislation was passed by the State Senate on a voice vote in October 2019.
- The Wisconsin Chiefs of Police Association, Wisconsin Nurses Association, Wisconsin Coalition Against Sexual Assault, and the Wisconsin Alliance for Women's Health have registered in support of the legislation. No organizations are registered against the legislation and no member of the State Legislature has publicly announced opposition to it.

Approximately 1,400 sexual assault kits are submitted to the Wisconsin State Crime Laboratory by law enforcement each year, and currently there is no uniform procedure for how or when that evidence is submitted and processed.

Under the legislation, when a health care professional collects sexual assault evidence, a survivor will have the choice of whether to report to law enforcement. If a survivor chooses not to report to law enforcement, the health care professional must, within 72 hours, send the sexual assault kit to the state crime labs for storage. The kit will then be stored for 10 years or until the survivor decides to report to law enforcement.

If a survivor chooses to report to law enforcement, the proposed legislation would require the health care professional to notify law enforcement within 24 hours after collecting the sexual assault kit. The law enforcement agency would then have 72 hours to obtain the kit from the health care professional, and 14 days after that to send the kit to the state crime laboratories.

The legislation would also require the Wisconsin Department of Justice (DOJ) to collect information regarding sexual assault kits collected in Wisconsin and thereby facilitate future analysis and evidence-based policymaking.

Once enacted, this legislation would provide law enforcement, sexual assault nurse examiners, hospitals, and all those impacted by sexual assault clear guidelines for the submission and processing of sexual assault kits.