

Women's March Wisconsin: Stop playing politics with sexual assault kit legislation

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Madison, Wis. – Wisconsin saw what happened when one person – former Attorney General Brad Schimel – had the power to decide what to do with sexual assault test kits. He allowed thousands of untested kits to collect dust on shelves while survivors of sexual violence received no justice. Schimel began testing the kits only after his inaction was exposed.

Assembly Bill 214 would prevent any future backlog of untested sexual assault kits. It would create a uniform process for handling sexual assault kits for testing and storage. This bipartisan bill is cosponsored by a majority of Assembly representatives. The same legislation, Senate Bill 200, passed in the State Senate on a voice vote in October 2019. Both bills are supported by the Wisconsin Chiefs of Police Association, Wisconsin Nurses Association, and Wisconsin Coalition Against Sexual Assault.

Now, it's up to one person – Rep. Joe Sanfelippo, Chair of the Assembly Health Committee – to decide what happens next. Last month, he told Fox News that he planned to hold a hearing on it and expected it would pass before the end of session in 2020. But when Amy Dean, Communication Director for Women's March WI, inquired, she received this response:

“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.”

Rep. Sanfelippo is confused. AB 214 prescribes a uniform process for handling sexual assault kits. It does not affect how the evidence is scientifically tested. It doesn't hamper the Attorney General's ability to change testing methods should new technology become available.

And we must observe that given the 2018 lame-duck session which stripped the AG of power, Sanfelippo's concern about taking away the AG's power to act on sexual assault kits is disingenuous.

So why the about-face? Perhaps one person – Speaker Robin Vos – intervened. The Assembly met in floor session for only nine days in 2019. As of mid-November, just 21 bills were signed into law – compared to a low of 242 laws enacted in sessions from 2005 to the present. Clearly, Vos is putting a stop on even considering almost all legislation.

Wisconsin must have zero-tolerance for sexual violence. Had the process defined by AB214/SB200 to handle sexual assault kits been in place when Schimel was AG, the backlog he created never would have occurred. If we elect another attorney general who ignores justice for survivors, then we will have let Wisconsinites down – again. Why would we leave important decisions in the hands of one person, when there is broad support from a state-wide, bipartisan legislature, experts in the field, and survivors? Rep. Sanfelippo, it's time to act in the interest of survivors, not politics.