

Dept. of Justice: AG Kaul celebrates sexual assault kit reform legislation becoming law

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MADISON, Wis. – Attorney General Josh Kaul today joined Governor Tony Evers, legislators, law enforcement, victim service providers, and survivors for the signing of legislation designed to prevent a future backlog of untested sexual assault kits. The Attorney General’s Sexual Assault Response Team (AG SART) played a key role in developing this legislation, which seeks to ensure that sexual assault kits in Wisconsin are collected and sent to the Wisconsin State Crime Labs in an efficient and expedient manner.

“As I said when we announced this bill in April of 2019, this legislation sends a clear message: Wisconsin must never have another backlog of untested sexual assault kits,” said Attorney General Kaul. “I’m proud that we were able to bring folks together across the aisle to enact this important public safety legislation that will help get justice for survivors and help put violent criminals behind bars. Thank you to the survivors, law enforcement officers, victim service providers, prosecutors, sexual assault nurse examiners, victim advocates, and many people at DOJ who committed countless hours to developing and advocating for this legislation. Wisconsin will be safer because this bill has become law.”

Prior to this legislation, there was no clear statutory procedure for the collection and processing of sexual assault kits. This lack of a standard process contributed to thousands of kits not being submitted to the state crime laboratory for testing until recent state and national efforts. This new law creates procedures that will prevent a backlog in the future.

With these changes, 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, 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 also provides for the Wisconsin Department of Justice (DOJ) to collect valuable information on sexual assault kits to better inform future evidence-based analysis and policy making.

This legislation was [originally introduced](#) in May of 2019. Although the bill passed the state Senate, it did not receive a hearing in the state Assembly in the 2019-2020 legislative session despite Attorney General Kaul and many others publicly [calling for passage](#). The bill, [Senate Bill 71](#), was again introduced in the 2021 legislative session and passed both the Senate and Assembly on a voice vote.