



WISCONSIN LEGISLATURE

Politics Stalls Progress on Sexual Assault Kit Legislation

In 2014, the state discovered a backlog of nearly 7,000 untested sexual assault kits, some dating back to the 1980s. Sexual assault survivors and advocates were rightly horrified, and law enforcement experts feared that the lack of DNA test results in these cases had let offenders off the hook to reoffend. Outrage, and calls for action, were bipartisan. Former Wisconsin Attorney General J.B. Van Hollen, a Republican, established the Wisconsin Sexual Assault Kit Initiative, tasked with addressing the accumulation of unsubmitted sexual assault kits. By 2018, the Department of Justice under Republican AG Brad Schimel had completed testing of 4,154 kits. Current AG Josh Kaul, a Democrat, has made addressing the backlog a focal point of his administration. Working with legislators from both parties, in 2019 Kaul announced two pieces of legislation designed to prevent a future backlog and allow sexual assault survivors to track the processing of their kits. With a Republican and Democrat from each house of the Legislature serving as co-authors and a clear message from the public that this situation should never happen again, it seemed like the bills were given a clear path to passage and the Governor's desk. This looked even more sure when they were both passed by the State Senate in October 2019, one on a voice vote and one by a vote of 33-0. Then they hit a roadblock – majority Republicans in the State Assembly. Neither bill received so much as a public hearing in that house before the session came to an end in spring 2020.

Undeterred, AG Kaul and the bipartisan legislative coalition continued their work, removing some provisions that Assembly Republicans had previously deemed controversial before reintroducing the bills for the 2021-2022 legislative session. Again, they got a promising start, as the State Senate again passed both bills, again by voice vote and unanimous vote, respectively, way back in March. Again, the Assembly hasn't taken any action; both bills are currently stalled in the Assembly Committee on Criminal Justice and Public Safety. While there is still time left in this session, Assembly Republican leadership doesn't appear to be in any real hurry to act on these important public safety measures. Why? Is politics playing a role, with Democratic Attorney General Kaul up for reelection next fall?

The backlog of sexual assault kits, and the need for legislation to ensure that this doesn't happen again, has real-world implications, as demonstrated recently by a local case. In May of this year, a Racine man was arrested and charged with two previously unsolved rape cases that took place in Kenosha in 2014 and 2015; he was also considered a suspect in two similar rapes in Racine County. During processing of the backlogged assault kits, four sexual assault cases between March 2014 and October 2017 were linked to the same DNA profile. Eventually, law enforcement was able to identify the man behind the DNA profile, and the victims in the Kenosha cases both picked the suspect out of a lineup. If the kit from the first sexual assault had been processed in a timely manner, the suspect may have been apprehended before he was able to offend again. Sexual assault survivors deserve to know that their cases are being given the proper attention, and Wisconsin residents deserve to feel safe, knowing that law enforcement are using every tool at their disposal to solve crimes. By refusing to act on these bills, Assembly Republicans are putting politics ahead of public safety.

Senator Wirch represents Wisconsin's 22nd Senate District, which includes the City of Kenosha, most of the City of Racine, and parts of Somers, Mount Pleasant, and Elmwood Park.

Rep. McGuire represents Wisconsin's 64th Assembly District, which includes parts of Kenosha, Racine, Somers, Mount Pleasant and Elmwood Park.

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