Standing up for sexual assault survivors

Legislation would help Wisconsin to prevent future backlog of sexual assault evidence kits

by Wisconsin Rep. Melissa Sargent (Rep.Sargent@legis.wisconsin.gov)

Under current Wisconsin law there is no clear statutory procedure for the collection and processing of sexual assault kits. Years of failures and a lack of a standard process has resulted in thousands of kits not being submitted to the state crime laboratory for testing and an egregious backlog, until recent state and national efforts.

In April, during Sexual Assault Awareness Month, Attorney General Josh Kaul and a bipartisan group of legislators proposed a bill designed to help prevent a future backlog of untested sexual assault kits from happening ever again in Wisconsin.

Supported by a broad coalition of more than 50 legislators, law enforcement and health professionals and advocates alike, AB 214 works to create and codify timelines for the collection, submission and storing of kits in ways that honor the dignity of survivors and provide pathways, rather than barriers, to justice.

For those who choose to report a sexual assault, this legislation requires health-care professionals to report to law enforcement within 24 hours, for law enforcement to take possession of evidence within 72 hours and send it to the crime lab within 14 days, and for the kits to be stored for 50 years, until the statute of limitations expires or until the end of the term of imprisonment/probation for a person prosecuted in a sexual assault case.

For individuals who do not wish to report a sexual assault, health-care professionals must send the kit to the crime lab within 72 hours and the kit must be stored for 10 years.

Standing up for survivors

It’s no secret that sexual violence is a pervasive problem in our society. An American is sexually assaulted every 92 seconds, according to the Rape, Abuse & Incest National Network (a national anti-sexual-violence organization), which also reports that this jarring and tragic statistic only gets worse if you are

• a woman (one in every six women has been the victim of an attempted or completed rape),
• a college student (women ages 18-24 who are college students are three times more likely than women in general to experience sexual violence),
• a member of the military (of those who reported, 84.900 military members experienced unwanted sexual contact in 2016),
• a member of a tribal nation (Native Americans are twice as likely to experience sexual violence compared to all races),

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