



Wisconsin Department of Justice DNA Databank Qualifying Offenses

A qualifying offense is an event that obligates a person to provide a biological specimen to the State Crime Laboratory for DNA analysis. Qualifying offenses are listed in Wisconsin State Statutes [165.76](#), [938.34\(15\)](#), [973.047](#), and various others. This document will provide a general outline of qualifying offenses for the purposes of the DNA Databank Unit and should not be used as a definitive legal document. This list may not include every possible qualifying offense. Consult the State CODIS Administrator or Alternate if there is a question about a qualifying offense.

- **Found guilty** of:
 - Any felony conviction on or after January 1, 2000
 - Any misdemeanor conviction with an offense date on or after April 1, 2015
 - Any of the following misdemeanor convictions on or after January 1, 2000:
 - 4th Degree Sexual Assault [940.225(3m)]
 - Lewd and Lascivious Behavior [944.20]
 - Exposing Genitals to a Child [948.10(1)(b)]
 - Failure to Submit a Biological Specimen [165.765(1)]
- **Found to be a Sexually Violent Person** under Ch. 980 on or after June 2, 1994
- **Found not guilty by reason of mental disease or defect**
 - on or after April 1, 2015, of:
 - Any felony
 - 4th Degree Sexual Assault [940.225(3m)]
 - Endangering Safety by Use of Dangerous Weapon [941.20(1)]
 - Lewd and Lascivious Behavior [944.20]
 - Prostitution [944.30(1m)]
 - Patronizing Prostitutes [944.31]
 - Pandering [944.33]
 - Exposing Genitals to a Child [948.10(1)(b)]
 - Failure to Submit a Biological Specimen [946.52 or 165.765(1), 2011 Stats.]
 - On or after January 1, 2000, **and committed** for:
 - Any felony
 - 4th Degree Sexual Assault [940.225(3m)]
 - Lewd and Lascivious Behavior [944.20]
 - Exposing Genitals to a Child [948.10(1)(b)]
 - Failure to Submit a Biological Specimen [946.52 or 165.765(1)]
 - On or after August 12, 1993, **and committed** for:
 - 1st or 2nd Degree Sexual Assault [940.225(1) or (2)]
 - 1st or 2nd Degree Sexual Assault of a Child [948.02(1) or (2)]
 - Repeated Sexual Assault of the Same Child [948.025]
 - Sexual Assault of a Child in Substitute Care [948.085]
- **In prison** for:
 - Any felony committed in WI on or after January 1, 2000
 - Any of the following violations on or after August 12, 1993:
 - 1st or 2nd Degree Sexual Assault [940.225(1) or (2)]
 - 1st or 2nd Degree Sexual Assault of a Child [948.02(1) or (2)]
 - Repeated Sexual Assault of the Same Child [948.025]
- **Sentenced or placed on probation** on or after August 12, 1993 - December 31, 1999, for:
 - Sexual Assault [940.225] (1st through 4th Degree)
 - 1st or 2nd Degree Sexual Assault of a Child [948.02(1) or (2)]
 - Repeated Sexual Assault of the Same Child [948.025]
- **On probation, extended supervision, parole, supervision, aftercare supervision, or in a juvenile correctional facility, secured residential care center for children and youth, or institutional care** on or after August 12, 1993 - December 31, 1999, for:
 - 1st or 2nd Degree Sexual Assault [940.225(1) or (2)]
 - 1st or 2nd Degree Sexual Assault of a Child [948.02(1) or (2)]
 - Repeated Sexual Assault of the Same Child [948.025]
 - Sexual Assault of a Child in Substitute Care [948.085]



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- **In institutional care** on or after January 1, 2000, for:
 - Any felony
 - 4th Degree Sexual Assault [940.225(3m)]
 - Lewd and Lascivious Behavior [944.20]
 - Exposing Genitals to a Child [948.10(1)(b)]
 - Failure to Submit a Biological Specimen [946.52 or 165.765(1)]
- **Pursuant to Interstate Compact Probation Transfer into WI** [165.76(1)(e-fm)], the individual was placed on probation or released on parole or extended supervision in another state:
 - Prior to January 1, 2000, and the Department of Corrections determined the violation of the law in the other state is comparable to any of the following violations:
 - 1st or 2nd Degree Sexual Assault [940.225(1) or (2)]
 - 1st or 2nd Degree Sexual Assault of a Child [948.02(1) or (2)]
 - Repeated Sexual Assault of the Same Child [948.025]
 - Sexual Assault of a Child in Substitute Care [948.085]
 - From January 1, 2000, to March 31, 2015, and the Department of Corrections determined the violation of the law in the other state would constitute a felony if committed in this state
 - On or after April 1, 2015
- **Juvenile adjudicated delinquent of:**
 - Any felony on or after April 1, 2015
 - Any of the following misdemeanors on or after April 1, 2015:
 - 4th Degree Sexual Assault [940.225(3m)]
 - Lewd and Lascivious Behavior [944.20]
 - Exposing Genitals to a Child [948.10(1)(b)]
 - Failure to Submit a Biological Specimen [946.52]
 - Endangering Safety by Use of a Dangerous Weapon [941.20(1)]
 - Prostitution [944.30(1m)]
 - Patronizing Prostitutes [944.31]
 - Pandering [944.33]
 - Any of the following violations on or after January 1, 2000 - March 31, 2015:
 - Sexual Assault [940.225] (1st through 4th Degree)
 - 1st or 2nd Degree Sexual Assault of a Child [948.02(1) or (2)]
 - Repeated Sexual Assault of the Same Child [948.025]
 - Sexual Assault of a Child in Substitute Care [948.085]
 - Any of the following violations on or after August 12, 1993 - December 31, 1999:
 - Sexual Assault [940.225] (1st through 4th Degree)
 - 1st or 2nd Degree Sexual Assault of a Child [948.02(1) or (2)]
 - Repeated Sexual Assault of the Same Child [948.025]
- **Required by a court** to provide a biological specimen for:
 - s. 51.20(13)(cr), 938.21(1m), 938.30(2m), 938.34(15), 970.02(8), 971.17(1m)(a), 973.047, or 980.063 on or after April 1, 2015
 - **Juvenile adjudicated delinquent** on or after August 12, 1993 - March 31, 2015, **OR adult sentenced or placed on probation** on or after August 12, 1993 – December 31, 1999 of any violation under:
 - 940 (Crimes against life and bodily security)
 - 944 (Crimes against sexual morality)
 - 948 (Crimes against children)
 - 943.01 to 943.15 (Crimes against property, includes Criminal Damage to Property, Arson, Burglary, and Criminal Trespass)



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- **Arrested (or juvenile taken into custody)** on or after April 1, 2015, for a felony violation of a “violent crime”. One of the following must apply before the arrest sample can be processed for DNA:
 - A court has made a finding of probable cause that the individual committed a violent crime.
 - The individual was arrested under an arrest warrant.
 - The individual failed to appear at the initial appearance or preliminary examination, or the person waived the preliminary examination.
 - The individual failed to appear for a delinquency proceeding under ch. 938.

“Violent crimes” as defined in s. 165.84(7)(ab):

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| <p>940.01* – first-degree intentional homicide
 940.02# – first-degree reckless homicide
 940.03# – felony murder
 940.05* – second-degree intentional homicide
 940.06# – second-degree reckless homicide
 940.07# – homicide resulting from negligent control of vicious animal
 940.08# – homicide by negligent handling of a dangerous weapon, explosives or fire
 940.09(1)# – homicide by intoxicated use of vehicle or firearm
 940.10# – homicide by negligent operation of vehicle
 940.19(2)# – battery causing substantial bodily harm with intent to cause harm
 940.19(4-5)# – battery causing great bodily harm with intent to cause harm
 940.19(6)# – battery causing bodily harm
 940.195(2)# – battery to unborn child causing substantial bodily harm with intent to cause harm
 940.195(4-5)# – battery to unborn child causing great bodily harm with intent to cause harm
 940.195(6)# – battery to unborn child causing harm
 940.198(2)** – physical abuse of an elder person: intentional causation of bodily harm
 940.20# – battery by prisoners, to certain public employees
 940.201(2)# – battery or threat of battery to witness or family of witness</p> | <p>940.203(2)# – battery or threat of battery to person or family of any judge, prosecutor, or law enforcement officer
 940.204*** – battery or threat to health care providers and staff
 940.205(2)# – battery or threat of battery to DOR employee or family of DOR employee
 940.207(2)# – battery or threat of battery to DSPS or DWD employee or family of DSPS or DWD employee
 940.208# – battery to certain municipal employees
 940.21* – mayhem
 940.225(1)* – first-degree sexual assault
 940.225(2)* – second-degree sexual assault
 940.225(3)* – third-degree sexual assault
 940.23# – reckless injury
 940.235* – strangulation and suffocation
 940.30* – false imprisonment
 940.302(2)* – human trafficking
 940.305* – taking hostages
 940.31* – kidnapping
 940.32(2)* – stalking
 940.32(2e)* – stalking
 940.32(2m)* – stalking
 940.43* – intimidation of witness
 940.45* – intimidation of victim
 941.20(2)* – endanger safety by use of a dangerous weapon
 941.20(3)* – endanger safety by discharge of firearm from a vehicle
 941.21* – disarming a peace officer
 941.30# – recklessly endangering safety</p> | <p>941.327* – tampering with household products
 943.02* – arson of buildings
 943.06* – Molotov cocktail
 943.10* – burglary
 943.23(1g)* – operating vehicle without consent with dangerous weapon
 943.23(2)* – operation vehicle without consent
 943.32* – robbery
 948.02(1)* – first degree sexual assault of a child
 948.02(2)* – second degree sexual assault of a child
 948.025* – repeated acts of sexual assault of same child
 948.03(2)(a)* – physical abuse of a child: intentionally cause great bodily harm to child
 948.03(2)(c)* – physical abuse of a child: intentionally cause bodily harm by conduct with probability to cause harm
 948.03(3)# – physical abuse of a child: recklessly cause bodily harm to child
 948.03(5)(a)1-4** - repeated acts of physical abuse of the same child causing great bodily harm to the child
 948.05* – sexual exploitation of child
 948.051* – trafficking a child
 948.055* – cause child to view or listen to sexual activity
 948.07* – child enticement
 948.08* – soliciting child for prostitution
 948.085* – sexual assault of child in substitute care
 948.095* – sexual assault of child by person who works with children
 948.30(2)* – abduction of another’s child</p> |
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**** Arrest must have occurred on or after August 8, 2021**

***** Arrest must have occurred on or after March 25, 2022**

A felony if a penalty enhancer specified in s. 939.621 could be imposed

- a felony violation of this offense

* - or solicitation, conspiracy, or attempt, under s. 939.30, 939.31, or 939.32, to commit this offense