



# Wisconsin Department of Justice

## Division of Forensic Sciences

### 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:
    - 4<sup>th</sup> 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
    - 4<sup>th</sup> 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
    - 4<sup>th</sup> 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:
    - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault [940.225(1) or (2)]
    - 1<sup>st</sup> or 2<sup>nd</sup> 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:
    - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault [940.225(1) or (2)]
    - 1<sup>st</sup> or 2<sup>nd</sup> 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] (1<sup>st</sup> through 4<sup>th</sup> Degree)
  - 1<sup>st</sup> or 2<sup>nd</sup> 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:
  - 1<sup>st</sup> or 2<sup>nd</sup> Degree Sexual Assault [940.225(1) or (2)]
  - 1<sup>st</sup> or 2<sup>nd</sup> 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
  - 4<sup>th</sup> 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:
    - 4<sup>th</sup> 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] (1<sup>st</sup> through 4<sup>th</sup> Degree)
    - 1<sup>st</sup> or 2<sup>nd</sup> 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\(7\)\(ab\)](#):**

<b>940.01*</b> – first-degree intentional homicide	<b>940.32(2)*</b> – stalking	<b>943.32*</b> – robbery
<b>940.02*</b> – first-degree reckless homicide	<b>940.32(2e)*</b> – stalking	<b>948.02(1)*</b> – first degree sexual assault of a child
<b>940.03*</b> – felony murder	<b>940.32(2m)*</b> – stalking	<b>948.02(2)*</b> – second degree sexual assault of a child
<b>940.05*</b> – second-degree intentional homicide	<b>940.43*</b> – intimidation of witness	<b>948.025*</b> – repeated acts of sexual assault of same child
<b>940.06*</b> – second-degree reckless homicide	<b>940.45*</b> – intimidation of victim	<b>948.03(2)(a)*</b> – physical abuse of a child: intentionally cause great bodily harm to child
<b>940.07*</b> – homicide resulting from negligent control of vicious animal	<b>940.60(2)</b> – substantial battery	<b>948.03(2)(c)*</b> – physical abuse of a child: intentionally cause bodily harm by conduct with probability to cause harm
<b>940.08*</b> – homicide by negligent handling of a dangerous weapon, explosives or fire	<b>940.60(3)(a-c)</b> – aggravated battery	<b>948.03(3)*</b> – physical abuse of a child: recklessly cause bodily harm to child
<b>940.09(1)*</b> – homicide by intoxicated use of vehicle or firearm	<b>940.61</b> – battery; bodily harm caused by certain persons	<b>948.03(5)(a)1-4**</b> - repeated acts of physical abuse of the same child causing great bodily harm to the child
<b>940.10*</b> – homicide by negligent operation of vehicle	<b>940.62</b> – battery; bodily harm caused to certain persons	<b>948.05*</b> – sexual exploitation of child
<b>940.21*</b> – mayhem	<b>940.65(2)</b> – substantial battery to an unborn child	<b>948.051*</b> – trafficking a child
<b>940.225(1)*</b> – first-degree sexual assault	<b>940.65(3)(a-c)</b> – aggravated battery to an unborn child	<b>948.055*</b> – cause child to view or listen to sexual activity
<b>940.225(2)*</b> – second-degree sexual assault	<b>940.66(2)</b> – battery to an elder person; intentional causation of bodily harm	<b>948.07*</b> – child enticement
<b>940.225(3)*</b> – third-degree sexual assault	<b>941.20(2)*</b> – endanger safety by use of a dangerous weapon	<b>948.08*</b> – soliciting child for prostitution
<b>940.23*</b> – reckless injury	<b>941.20(3)*</b> – endanger safety by discharge of firearm from a vehicle	<b>948.085*</b> – sexual assault of child in substitute care
<b>940.235*</b> – strangulation and suffocation	<b>941.21*</b> – disarming a peace officer	<b>948.095*</b> – sexual assault of child by person who works with children
<b>940.30*</b> – false imprisonment	<b>941.30*</b> – recklessly endangering safety	<b>948.30(2)*</b> – abduction of another's child
<b>940.302(2)*</b> – human trafficking	<b>941.327*</b> – tampering with household products	
<b>940.305*</b> – taking hostages	<b>943.02*</b> – arson of buildings	
<b>940.31*</b> – kidnapping	<b>943.06*</b> – Molotov cocktail	
	<b>943.10*</b> – burglary	
	<b>943.23(2)*</b> – operation vehicle without consent	
	<b>943.231(1)</b> – carjacking	

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



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### DNA Databank Qualifying Offenses

#### Historically Qualifying Arrest Statutes

Statute	New Statute # (if applicable)	Change(s)
<b>940.19(2)</b> – battery causing substantial bodily harm with intent to cause harm	<b>940.60(2)</b>	<u>08/10/25</u> : Renumbered by 2025 Wisconsin Act 24
<b>940.19(4-5)</b> – battery causing great bodily harm with intent to cause harm	<b>940.60(3)(a-b)</b>	<u>08/10/25</u> : Renumbered by 2025 Wisconsin Act 24
<b>940.19(6)</b> – battery causing bodily harm	<b>940.60(3)(c)</b>	<u>08/10/25</u> : Renumbered by 2025 Wisconsin Act 24
<b>940.195(2)</b> – battery to unborn child causing substantial bodily harm with intent to cause harm	<b>940.65(2)</b>	<u>08/10/25</u> : Renumbered by 2025 Wisconsin Act 24
<b>940.195(4-5)</b> – battery to unborn child causing great bodily harm with intent to cause harm	<b>940.65(3)(a-b)</b>	<u>08/10/25</u> : Renumbered by 2025 Wisconsin Act 24
<b>940.195(6)</b> – battery to unborn child causing harm	<b>940.65(3)(c)</b>	<u>08/10/25</u> : Renumbered by 2025 Wisconsin Act 24
<b>940.198(2)</b> – physical abuse of an elder person: intentional causation of bodily harm	<b>940.66(2)</b>	<u>08/08/21</u> : Established by 2021 Wisconsin Act 76 <u>08/10/25</u> : Renumbered by 2025 Wisconsin Act 24
<b>940.20#</b> – battery by prisoners, to certain public employees	<b>940.61/940.62</b>	<u>08/10/25</u> : Sub-chapters repealed/replaced or renumbered by 2025 Wisconsin Act 24
<b>940.201(2)</b> – battery or threat of battery to witness or family of witness	<b>940.62</b>	<u>08/10/25</u> : Repealed/replaced by 2025 Wisconsin Act 24
<b>940.203(2)</b> – battery or threat of battery to person or family of any judge, prosecutor, or law enforcement officer	<b>940.62</b>	<u>08/10/25</u> : Repealed/replaced by 2025 Wisconsin Act 24
<b>940.204</b> – battery or threat to health care providers and staff	<b>940.62(2)(e)</b>	<u>03/25/22</u> : Established by 2021 Wisconsin Act 209 <u>08/10/25</u> : Renumbered by 2025 Wisconsin Act 24
<b>940.205(2)</b> – battery or threat of battery to DOR employee or family of DOR employee	<b>940.62(2)(c)</b>	<u>08/10/25</u> : Consolidated and renumbered by 2025 Wisconsin Act 24
<b>940.207(2)</b> – battery or threat of battery to DSPS or DWD employee or family of DSPS or DWD employee		
<b>940.208</b> – battery to certain municipal employees	<b>940.62(1)(b)</b>	<u>08/10/25</u> : Renumbered by 2025 Wisconsin Act 24
<b>943.23(1g)</b> – operating vehicle without owner's consent	<b>943.231(1)</b>	<u>05/12/23</u> : Renumbered by 2023 Wisconsin Act 10