



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:
 - 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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- o **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\(7\)\(ab\)](#):

- | | | |
|---|--|---|
| 940.01* – first-degree intentional homicide | 940.32(2e)* – stalking | 948.02(1)* – first degree sexual assault of a child |
| 940.02# – first-degree reckless homicide | 940.32(2m)* – stalking | 948.02(2)* – second degree sexual assault of a child |
| 940.03# – felony murder | 940.43* – intimidation of witness | 948.025* – repeated acts of sexual assault of same child |
| 940.05* – second-degree intentional homicide | 940.45* – intimidation of victim | 948.03(2)(a)* – physical abuse of a child: intentionally cause great bodily harm to child |
| 940.06# – second-degree reckless homicide | 940.60(2)# – substantial battery | 948.03(2)(c)* – physical abuse of a child: intentionally cause bodily harm by conduct with probability to cause harm |
| 940.07# – homicide resulting from negligent control of vicious animal | 940.60(3)(a-c)# – aggravated battery | 948.03(3)# – physical abuse of a child: recklessly cause bodily harm to child |
| 940.08# – homicide by negligent handling of a dangerous weapon, explosives or fire | 940.61# – battery; bodily harm caused by certain persons | 948.03(5)(a)1-4** - repeated acts of physical abuse of the same child causing great bodily harm to the child |
| 940.09(1)# – homicide by intoxicated use of vehicle or firearm | 940.62# – battery; bodily harm caused to certain persons | 948.05* – sexual exploitation of child |
| 940.10# – homicide by negligent operation of vehicle | 940.65(2)# – substantial battery to an unborn child | 948.051* – trafficking a child |
| 940.21* – mayhem | 940.65(3)(a-c)# – aggravated battery to an unborn child | 948.055* – cause child to view or listen to sexual activity |
| 940.225(1)* – first-degree sexual assault | 940.66(2)* – battery to an elder person; intentional causation of bodily harm | 948.07* – child enticement |
| 940.225(2)* – second-degree sexual assault | 941.20(2)* – endanger safety by use of a dangerous weapon | 948.072* – grooming of a child for sexual activity |
| 940.225(3)* – third-degree sexual assault | 941.20(3)* – endanger safety by discharge of firearm from a vehicle | 948.08* – soliciting child for prostitution |
| 940.23# – reckless injury | 941.21* – disarming a peace officer | 948.085* – sexual assault of child in substitute care |
| 940.235* – strangulation and suffocation | 941.30# – recklessly endangering safety | 948.095* – sexual assault of child by person who works with children |
| 940.30* – false imprisonment | 941.327* – tampering with household products | 948.30(2)* – abduction of another’s child |
| 940.302(2)* – human trafficking | 943.02* – arson of buildings | |
| 940.305* – taking hostages | 943.06* – Molotov cocktail | |
| 940.31* – kidnapping | 943.10* – burglary | |
| 940.32(2)* – stalking | 943.23(2)* – operation vehicle without consent | |
| | 943.231(1)* – carjacking | |
| | 943.32* – robbery | |

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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Historically Qualifying Arrest Statutes

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