

**SENATE BILL 526 (LRB -4263)**

An Act to amend 940.225 (5) (ai) of the statutes; relating to: sexual intercourse or sexual contact with a person who is under the influence of alcohol beverages and providing a penalty. (FE)

2006

02-23.	S.	Introduced by Senators <b>Stepp, Zien, Lassa, S. Fitzgerald, Roessler, Kedzie, Miller, Brown, Olsen, Kanavas, Lazich, Darling and Risser</b> ; cosponsored by Representatives <b>Strachota, Berceau, Kaufert, Turner, McCormick, Nischke, Seidel, Montgomery, Jeskewitz, Ainsworth, Sherman, Loeffelholz, Wasserman, Ballweg, Van Roy, Lothian, Lamb, Parisi, Kreibich, Zepnick, Albers, Petrowski, Owens, Molepske, Ott, Lehman, Bies, Gunderson, Kleefisch and Hubler.</b>	
01-26.	S.	Read first time and referred to committee on Judiciary, Corrections and Privacy .....	555
01-30.	S.	Fiscal estimate received.	
02-01.	S.	Fiscal estimate received.	
02-01.	S.	Public hearing held.	
02-09.	S.	Fiscal estimate received.	
02-14.	S.	Executive action taken.	
02-21.	S.	Report passage recommended by committee on Judiciary, Corrections and Privacy, Ayes 5, Noes 0 .....	608
02-21.	S.	Available for scheduling.	
02-23.	S.	Placed on calendar 2-28-2006 by committee on Senate Organization.	
02-28.	S.	Placed at the foot of the eleventh order of business on the calendar of 2-28-2006 .....	639
02-28.	S.	Placed at the foot of the calendar of 2-28-2006 .....	639
02-28.	S.	Read a second time .....	643
02-28.	S.	Senate amendment 1 offered by Senator Carpenter ( <b>LRB a2492</b> ) .....	643
02-28.	S.	Senate amendment 1 laid on table, Ayes 19, Noes 14 .....	643
02-28.	S.	Ordered to a third reading .....	643
02-28.	S.	Rules suspended .....	643
02-28.	S.	Read a third time and <b>passed</b> .....	643
02-28.	S.	Ordered immediately messaged .....	644
03-21.	A.	Received from Senate .....	984
03-21.	A.	Read first time and referred to committee on Judiciary .....	985
03-21.	A.	Fiscal estimate received.	
04-18.	A.	Assembly substitute amendment 1 offered by Representative Strachota ( <b>LRB s0699</b> ) .....	1015
04-19.	A.	Assembly substitute amendment 2 offered by Representative Gundrum ( <b>LRB s0702</b> ) .....	1018
04-20.	A.	Executive action taken.	
04-24.	A.	Report Assembly Substitute Amendment 1 adoption recommended by committee on Judiciary, Ayes 7, Noes 0 .....	1028
04-24.	A.	Report concurrence as amended recommended by committee on Judiciary, Ayes 7, Noes 0 .....	1028
04-24.	A.	Referred to committee on Rules .....	1029
04-25.	A.	Placed on calendar 4-27-2006 by committee on Rules.	
05-02.	A.	Read a second time .....	1085
05-02.	A.	Assembly substitute amendment 1 <b>adopted</b> .....	1085
05-02.	A.	Ordered to a third reading .....	1085
05-02.	A.	Rules suspended .....	1085
05-02.	A.	Read a third time and <b>concurred in</b> as amended .....	1085
05-02.	A.	Ordered immediately messaged .....	1086
05-03.	S.	Received from Assembly amended and concurred in as amended, Assembly substitute amendment 1 adopted.	
05-03.	S.	Available for scheduling.	
05-03.	S.	Placed on calendar 5-4-2006 and made a special order at 11:04 A.M. by committee on Senate Organization.	
05-04.	S.	Assembly substitute amendment 1 <b>concurred in</b> .	
05-04.	S.	Action ordered immediately messaged.	

2005  
ENROLLED BILL

05en S B-526

ADOPTED DOCUMENTS:

Orig

Engr

A SubAmdt 1

05 S 0699 / 1

Amendments to above (if none, write "NONE"): None

*None*

Corrections - show date (if none, write "NONE"):

None

Topic

Rel

5-9-06

Date

*J. Miller*

Enrolling Drafter

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 526**

April 18, 2006 - Offered by Representative STRACHOTA.

1 **AN ACT to amend** 940.225 (2) (cm) and 940.225 (5) (ai) of the statutes; **relating**  
2 **to:** sexual intercourse or sexual contact with a person who is under the  
3 influence of alcohol beverages and providing a penalty.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4 **SECTION 1.** 940.225 (2) (cm) of the statutes is amended to read:

5 940.225 (2) (cm) Has sexual contact or sexual intercourse with a person who  
6 is under the influence of an intoxicant to a degree which renders that person  
7 incapable of ~~appraising the person's conduct, and giving consent if the defendant~~  
8 ~~knows of such condition~~ has actual knowledge that the person is incapable of giving  
9 consent and the defendant has the purpose to have sexual contact or sexual  
10 intercourse with the person while the person is incapable of giving consent.

11 **SECTION 2.** 940.225 (5) (ai) of the statutes is amended to read:

