

# State of Wisconsin



1995 Senate Bill 80

Date of enactment: **November 16, 1995**

Date of publication\*: **December 1, 1995**

## 1995 WISCONSIN ACT 69

AN ACT *to renumber and amend* 940.225 (5) (b) and 948.01 (5); *to amend* 939.22 (34), 939.50 (2), 940.225 (2) (intro.), 940.225 (3), 940.225 (3m), 948.02 (2), 948.06 (intro.), 948.07 (intro.) and 948.08; and *to create* 939.50 (1) (bc), 939.50 (3) (bc), 940.225 (5) (b) 2. and 948.01 (5) (b) of the statutes; **relating to:** sexual assault, crimes against children and providing penalties.

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

**SECTION 1.** 939.22 (34) of the statutes is amended to read:

939.22 (34) "Sexual contact" means the intentional touching of the clothed or unclothed intimate parts of another person with any part of the body clothed or unclothed or with any object or device, ~~or~~ the intentional touching of any part of the body clothed or unclothed of another person with the intimate parts of the body clothed or unclothed, ~~or the intentional penile ejaculation of ejaculate or intentional emission of urine or feces upon any part of the body clothed or unclothed of another person.~~ if that intentional touching, ~~ejaculation or emission~~ is for the purpose of ~~sexual humiliation, sexual degradation,~~ sexual arousal or gratification.

**SECTION 2.** 939.50 (1) (bc) of the statutes is created to read:

939.50 (1) (bc) Class BC felony.

**SECTION 3.** 939.50 (2) of the statutes is amended to read:

939.50 (2) A felony is a Class A, B, ~~BC~~, C, D or E felony when it is so specified in chs. 939 to 951.

**SECTION 4.** 939.50 (3) (bc) of the statutes is created to read:

939.50 (3) (bc) For a Class BC felony, a fine not to exceed \$10,000 or imprisonment not to exceed 20 years, or both.

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

940.225 (2) SECOND DEGREE SEXUAL ASSAULT. (intro.) Whoever does any of the following is guilty of a Class ~~C~~ BC felony:

**SECTION 6.** 940.225 (3) of the statutes is amended to read:

940.225 (3) THIRD DEGREE SEXUAL ASSAULT. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class D felony. ~~Whoever has sexual contact in the manner described in sub. (5) (b) 2. with a person without the consent of that person is guilty of a Class D felony.~~

**SECTION 7.** 940.225 (3m) of the statutes is amended to read:

940.225 (3m) FOURTH DEGREE SEXUAL ASSAULT. ~~Whoever~~ Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

**SECTION 8.** 940.225 (5) (b) of the statutes is renumbered 940.225 (5) (b) (intro.) and amended to read:

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

940.225 (5) (b) (intro.) “Sexual contact” means any intentional of the following:

1. Intentional touching by the complainant or defendant, either directly or through clothing by the use of any body part or object, of the complainant’s or defendant’s intimate parts if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under s. 940.19 (1).

**SECTION 9.** 940.225 (5) (b) 2. of the statutes is created to read:

940.225 (5) (b) 2. Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant.

**SECTION 10.** 948.01 (5) of the statutes is renumbered 948.01 (5) (intro.) and amended to read:

948.01 (5) (intro.) “Sexual contact” means any intentional of the following:

(a) Intentional touching by the complainant or defendant, either directly or through clothing by the use of any body part or object, of the complainant’s or defendant’s intimate parts if that intentional touching is either for the purpose of sexually degrading or sexually humiliating the complainant or sexually arousing or gratifying the defendant.

**SECTION 11.** 948.01 (5) (b) of the statutes is created to read:

948.01 (5) (b) Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant.

**SECTION 12.** 948.02 (2) of the statutes is amended to read:

948.02 (2) **SECOND DEGREE SEXUAL ASSAULT.** Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 16 years is guilty of a Class C BC felony.

**SECTION 17.** 948.06 (intro.) of the statutes is amended to read:

**948.06 Incest with a child.** (intro.) Whoever does any of the following is guilty of a Class C BC felony:

**SECTION 18.** 948.07 (intro.) of the statutes is amended to read:

**948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the following acts, causes or attempts to cause any child who has not attained the age of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class C BC felony:

**SECTION 19.** 948.08 of the statutes is amended to read:

**948.08 Soliciting a child for prostitution.** Whoever intentionally solicits or causes any child to practice prostitution or establishes any child in a place of prostitution is guilty of a Class C BC felony.

**SECTION 20. Initial applicability.**

(1) This act first applies to offenses committed on the effective date of this subsection.