

State of Wisconsin



2005 Senate Bill 409

Date of enactment: **May 22, 2006**
Date of publication*: **June 5, 2006**

2005 WISCONSIN ACT 435

AN ACT *to renumber and amend* 940.225 (5) (b) 1. and 948.01 (5) (a); *to amend* 939.22 (34), 940.225 (5) (b) 2. and 948.01 (5) (b); and *to create* 940.225 (5) (b) 1. a., 940.225 (5) (b) 1. b., 948.01 (5) (a) 1. and 948.01 (5) (am) of the statutes; **relating to:** the definition of sexual contact 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 by the defendant or, upon the defendant's instruction, by a third person 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, the intentional touching by the defendant or, upon the defendant's instruction, by a third person 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 by the defendant or, upon the defendant's instruction, by a third person 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. 940.225 (5) (b) 1. of the statutes is renumbered 940.225 (5) (b) 1. (intro.) and amended to read:

940.225 (5) (b) 1. (intro.) ~~Intentional~~ Any of the following types of intentional touching ~~by the complainant or defendant, either directly, whether direct or through clothing by the use of any body part or object, of the com-~~

~~plainant'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 3. 940.225 (5) (b) 1. a. of the statutes is created to read:

940.225 (5) (b) 1. a. Intentional touching by the defendant or, upon the defendant's instruction, by another person, by the use of any body part or object, of the complainant's intimate parts.

SECTION 4. 940.225 (5) (b) 1. b. of the statutes is created to read:

940.225 (5) (b) 1. b. Intentional touching by the complainant, by the use of any body part or object, of the defendant's intimate parts or, if done upon the defendant's instructions, the intimate parts of another person.

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

940.225 (5) (b) 2. Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by another person 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

* Section 991.11, WISCONSIN STATUTES 2003-04 : 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].

sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant.

SECTION 6. 948.01 (5) (a) of the statutes is renumbered 948.01 (5) (a) (intro.) and amended to read:

948.01 (5) (a) (intro.) ~~Intentional~~ Any of the following types of intentional touching by the complainant or defendant, either directly, whether direct 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 7. 948.01 (5) (a) 1. of the statutes is created to read:

948.01 (5) (a) 1. Intentional touching by the defendant or, upon the defendant's instruction, by another person, by the use of any body part or object, of the complainant's intimate parts.

SECTION 8. 948.01 (5) (am) of the statutes is created to read:

948.01 (5) (am) Intentional touching by the complainant, by the use of any body part or object, of the defendant's intimate parts or, if done upon the defendant's instructions, the intimate parts of another person.

SECTION 9. 948.01 (5) (b) of the statutes is amended to read:

948.01 (5) (b) Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by another person 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.

