

# State of Wisconsin



2005 Senate Bill 629

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

## 2005 WISCONSIN ACT 437

AN ACT *to renumber and amend* 948.02 (1) and 948.025 (1) (a); *to amend* 948.025 (2) (a); and *to create* 948.02 (1) (a), 948.025 (1) (ag) and 948.025 (2) (am) of the statutes; **relating to:** sexual assault of a child and providing a penalty.

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

**SECTION 1.** 948.02 (1) of the statutes is renumbered 948.02 (1) (intro.) and amended to read:

948.02 (1) FIRST DEGREE SEXUAL ASSAULT. (intro.) Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 13 years is guilty of one of the following:

(b) If the sexual contact or sexual intercourse did not result in great bodily harm to the person, a Class B felony.

**SECTION 2.** 948.02 (1) (a) of the statutes is created to read:

948.02 (1) (a) If the sexual contact or sexual intercourse resulted in great bodily harm to the person, a Class A felony.

**SECTION 3.** 948.025 (1) (a) of the statutes is renumbered 948.025 (1) (ar) and amended to read:

948.025 (1) (ar) A Class B felony if fewer than 3 of the violations were violations of s. 948.02 (1) (a) but at least 3 of the violations were violations of s. 948.02 (1) (a) or (b).

**SECTION 4.** 948.025 (1) (ag) of the statutes is created to read:

948.025 (1) (ag) A Class A felony if at least 3 of the violations were violations of s. 948.02 (1) (a).

**SECTION 5.** 948.025 (2) (a) of the statutes is amended to read:

948.025 (2) (a) If an action under sub. (1) ~~(a)~~ (ag) is tried to a jury, in order to find the defendant guilty the members of the jury must unanimously agree that at least 3 violations of s. 948.02 (1) (a) occurred within the specified period of time but need not agree on which acts constitute the requisite number.

**SECTION 6.** 948.025 (2) (am) of the statutes is created to read:

948.025 (2) (am) If an action under sub. (1) (ar) is tried to a jury, in order to find the defendant guilty the members of the jury must unanimously agree that at least 3 violations of s. 948.02 (1) (a) or (b) occurred within the specified period of time but need not agree on which acts constitute the requisite number.

**SECTION 7. Initial applicability.**

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

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\* 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].