

2005 ASSEMBLY BILL 444

May 26, 2005 – Introduced by Representatives KLEEFISCH, LAMB, FIELDS, MOLEPSKE, DAVIS, FRISKE, GUNDRUM, MONTGOMERY, HINES, ALBERS, VRAKAS, VOS, PRIDEMORE and BIES, cosponsored by Senators GROTHMAN, DARLING, PLALE and LAZICH. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT to renumber and amend 939.22 (34); to amend 940.225 (3); and to**
2 **create 939.22 (34) (d), 940.225 (5) (b) 3. and 948.01 (5) (c) of the statutes;**
3 **relating to: the definition of sexual contact and providing penalties.**

Analysis by the Legislative Reference Bureau

Current law contains a number of criminal prohibitions relating to having sexual contact with another person. “Sexual contact” is defined to include intentionally ejaculating or intentionally emitting urine or feces on any part of another person’s body, whether clothed or unclothed, if it is done for the purpose of sexual humiliation, degradation, arousal, or gratification. In general, having sexual contact with another person without the other person’s consent is a misdemeanor punishable by a fine of not more than \$10,000 or imprisonment in the county jail or house of correction for not more than nine months or both. If, however, the offense involves the person ejaculating or emitting urine or feces on another person, the person is guilty of a Class G felony and may be fined up to \$25,000 or sentenced to a term of imprisonment in the state prisons of up to ten years (which, if the sentence is for more than one year, includes a term of confinement and a term of extended supervision) or both. More severe penalties apply in either case if the victim is under the age of 16.

This bill expands the definition of “sexual contact” so that it includes cases in which the actor, for the purpose of sexual humiliation, degradation, arousal, or gratification, intentionally causes someone else to ejaculate or emit urine or feces on any part of the actor’s body, whether clothed or unclothed. A person who has this type

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of sexual contact with another person without the other person's consent is guilty of a Class G felony.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

3 939.22 **(34)** (intro.) "Sexual contact" means the any of the following if done for
4 the purpose of sexual humiliation, degradation, arousal, or gratification:

5 (a) The intentional touching of the clothed or unclothed intimate parts of
6 another person with any part of the body, clothed or unclothed, or with any object or
7 device, ~~the,~~

8 (b) The intentional touching of any part of the body, clothed or unclothed, of
9 another person with the intimate parts of the body, clothed or unclothed, ~~or the,~~

10 (c) The intentional penile ejaculation of ejaculate or the intentional emission
11 of urine or feces upon any part of the body, clothed or unclothed, of another person,
12 ~~if that intentional touching, ejaculation or emission is for the purpose of sexual~~
13 ~~humiliation, sexual degradation, sexual arousal or gratification.~~

14 **SECTION 2.** 939.22 (34) (d) of the statutes is created to read:

15 939.22 **(34)** (d) Intentionally causing another person to ejaculate or emit urine
16 or feces on any part of the actor's body, whether clothed or unclothed.

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

