

2005 SENATE BILL 409

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

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 939.22 (34) of the statutes is amended to read:
6 939.22 **(34)** “Sexual contact” means the intentional touching by the defendant
7 or, upon the defendant’s instruction, by a third person of the clothed or unclothed
8 intimate parts of another person with any part of the body clothed or unclothed or
9 with any object or device, the intentional touching by the defendant or, upon the
10 defendant’s instruction, by a third person of any part of the body clothed or unclothed

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1 of another person with the intimate parts of the body clothed or unclothed, or the
2 intentional penile ejaculation of ejaculate or intentional emission of urine or feces by
3 the defendant or, upon the defendant's instruction, by a third person upon any part
4 of the body clothed or unclothed of another person, if that intentional touching,
5 ejaculation or emission is for the purpose of sexual humiliation, sexual degradation,
6 sexual arousal or gratification.

7 **SECTION 2.** 940.225 (5) (b) 1. of the statutes is renumbered 940.225 (5) (b) 1.
8 (intro.) and amended to read:

9 940.225 (5) (b) 1. (intro.) Intentional Any of the following types of intentional
10 touching by the complainant or defendant, either directly, whether direct or through
11 clothing by the use of any body part or object, of the complainant's or defendant's
12 intimate parts, if that intentional touching is either for the purpose of sexually
13 degrading; or for the purpose of sexually humiliating the complainant or sexually
14 arousing or gratifying the defendant or if the touching contains the elements of
15 actual or attempted battery under s. 940.19 (1);:

16 **SECTION 3.** 940.225 (5) (b) 1. a. of the statutes is created to read:

17 940.225 (5) (b) 1. a. Intentional touching by the defendant or, upon the
18 defendant's instruction, by another person, by the use of any body part or object, of
19 the complainant's intimate parts.

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

21 940.225 (5) (b) 1. b. Intentional touching by the complainant, by the use of any
22 body part or object, of the defendant's intimate parts or, if done upon the defendant's
23 instructions, the intimate parts of another person.

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

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1 940.225 (5) (b) 2. Intentional penile ejaculation of ejaculate or intentional
2 emission of urine or feces by the defendant or, upon the defendant's instruction, by
3 another person upon any part of the body clothed or unclothed of the complainant if
4 that ejaculation or emission is either for the purpose of sexually degrading or
5 sexually humiliating the complainant or for the purpose of sexually arousing or
6 gratifying the defendant.

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

9 948.01 (5) (a) (intro.) Intentional Any of the following types of intentional
10 touching by the complainant or defendant, either directly, whether direct or through
11 clothing by the use of any body part or object, of the complainant's or defendant's
12 intimate parts, if that intentional touching is either for the purpose of sexually
13 degrading or sexually humiliating the complainant or sexually arousing or
14 gratifying the defendant.;

15 **SECTION 7.** 948.01 (5) (a) 1. of the statutes is created to read:

16 948.01 (5) (a) 1. Intentional touching by the defendant or, upon the defendant's
17 instruction, by another person, by the use of any body part or object, of the
18 complainant's intimate parts.

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

20 948.01 (5) (am) Intentional touching by the complainant, by the use of any body
21 part or object, of the defendant's intimate parts or, if done upon the defendant's
22 instructions, the intimate parts of another person.

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

24 948.01 (5) (b) Intentional penile ejaculation of ejaculate or intentional emission
25 of urine or feces by the defendant or, upon the defendant's instruction, by another

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1 person upon any part of the body clothed or unclothed of the complainant if that
2 ejaculation or emission is either for the purpose of sexually degrading or sexually
3 humiliating the complainant or for the purpose of sexually arousing or gratifying the
4 defendant.

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(END)