

2005 Senate Bill 526

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

## 2005 WISCONSIN ACT 436

AN ACT *to amend* 940.225 (2) (cm) and 940.225 (5) (ai) of the statutes; **relating to:** sexual intercourse or sexual contact with a person who is under the influence of alcohol beverages and providing a penalty.

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

**SECTION 1.** 940.225 (2) (cm) of the statutes is amended to read:

940.225 (2) (cm) Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of appraising the person's conduct, and giving consent if the defendant knows of such condition has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact

or sexual intercourse with the person while the person is incapable of giving consent.

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

940.225 (5) (ai) "Intoxicant" means any alcohol beverage, controlled substance, controlled substance analog, or other drug, or any combination of a controlled substance, controlled substance analog or other drug or any combination of an alcohol beverage and a controlled substance, controlled substance analog or other drug. "Intoxicant" does not include any alcohol beverage thereof.

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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].