

2005 SENATE BILL 526

January 26, 2006 – Introduced by Senators STEPP, ZIEN, LASSA, S. FITZGERALD, ROESSLER, KEDZIE, MILLER, BROWN, OLSEN, KANAVAS, LAZICH, DARLING and RISSER, cosponsored by Representatives STRACHOTA, BERCEAU, KAUFERT, TURNER, McCORMICK, NISCHKE, SEIDEL, MONTGOMERY, JESKEWITZ, AINSWORTH, SHERMAN, LOEFFELHOLZ, WASSERMAN, BALLWEG, VAN ROY, LOTHIAN, LAMB, PARISI, KREIBICH, ZEPNICK, ALBERS, PETROWSKI, OWENS, MOLEPSKE, OTT, LEHMAN, BIES, GUNDERSON, KLEEFISCH and HUBLER. Referred to Committee on Judiciary, Corrections and Privacy.

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

Analysis by the Legislative Reference Bureau

Under current law, a person is guilty of second degree sexual assault if, among other things: 1) he or she has sexual contact or sexual intercourse with an individual (victim) who is under the influence of an intoxicant; 2) as a result of the intoxicant's effects, the victim is incapable of appraising the person's conduct; and 3) the person knows of the victim's condition. In this context, current law defines "intoxicant" to exclude an alcohol beverage, unless it has been combined with a controlled substance, a controlled substance analog, or another drug. A person who commits second degree sexual assault may be fined up to \$100,000 or sentenced to a term of imprisonment of up to 40 years, which, if the sentence is for more than one year, includes a term of confinement and a term of extended supervision, or both. This bill amends the definition of "intoxicant" so that it includes an alcohol beverage, without regard for whether it is combined with a controlled substance, a controlled substance analog, or another drug.

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:

