

**2005 DRAFTING REQUEST**

**Bill**

Received: **12/15/2005**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Cathy Stepp (608) 266-1832**

By/Representing: **Scott**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Stepp@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Sexual assault involving an intoxicant

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**Instructions:**

See Attached

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**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>       | <u>Reviewed</u>       | <u>Typed</u>           | <u>Proofed</u> | <u>Submitted</u>     | <u>Jacketed</u>        | <u>Required</u> |
|--------------|----------------------|-----------------------|------------------------|----------------|----------------------|------------------------|-----------------|
| /?           | mdsida<br>12/19/2005 | lkunkel<br>12/20/2005 |                        | _____          |                      |                        | S&L             |
| /1           |                      |                       | rschluet<br>12/20/2005 | _____          | lemery<br>12/20/2005 | Inorthro<br>01/25/2006 |                 |

FE Sent For:

*AA Inthro.*

<END>

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**Instructions:**

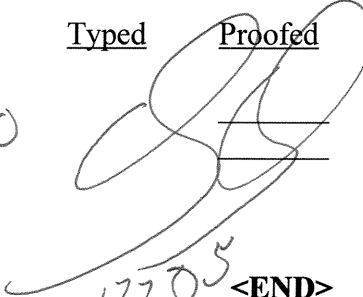
See Attached

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| /? | mdsida | 1/mk 12/20 |  |  |  |  |  |
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12205 <END>

FE Sent For:

2005 - 2006 LEGISLATURE

soon (m 12/19)

4263/1  
LRB-19701  
MGD:lmk:jf  
↑  
keep

2005 BILL

Reisen ✓

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:***



**Northrop, Lori**

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**From:** Nelson, Scott - Legislature  
**Sent:** Wednesday, January 25, 2006 4:31 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-4263/1 Topic: Sexual assault involving an intoxicant

It has been requested by <Nelson, Scott - Legislature> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-4263/1 Topic: Sexual assault involving an intoxicant