

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2005 SENATE BILL 526**

April 19, 2006 – Offered by Representative GUNDRUM.

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

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

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

5 940.225 (2) (cm) Has sexual contact or sexual intercourse with a person who
6 is under the influence of an intoxicant to a degree which renders that person
7 incapable of appraising the person's conduct, and giving consent if the defendant
8 knows of such condition has actual knowledge that the person is incapable of giving
9 consent and the defendant has the purpose to have sexual contact or sexual
10 intercourse with the person while the person is incapable of giving consent.

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

1 940.225 (5) (ai) “Intoxicant” means any alcohol beverage, controlled substance,
2 controlled substance analog, or other drug, or any combination of a controlled
3 ~~substance, controlled substance analog or other drug or any combination of an~~
4 ~~alcohol beverage and a controlled substance, controlled substance analog or other~~
5 ~~drug. “Intoxicant” does not include any alcohol beverage thereof.~~

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(END)