

State of Misconsin 2005 - 2006 LEGISLATURE

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**

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:

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 <u>alcohol beverage</u> , 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 <u>thereof</u> .
6	(END)