



## 1995 SENATE BILL 74

February 15, 1995 - Introduced by Senators BURKE, ANDREA, CLAUSING, MOORE, PLEWA and WINEKE, cosponsored by Representatives KRUSICK, WALKER, R. POTTER, CARPENTER, TURNER, NOTESTEIN, RILEY, PLACHE, HASENOHRL, CULLEN, VANDER LOOP, WASSERMAN and BALDUS. Referred to Committee on Judiciary.

1     **AN ACT to renumber and amend** 940.225 (5) (b) and 948.01 (5); **to amend**  
2             939.22 (34), 940.225 (3) and 940.225 (3m); and **to create** 940.225 (5) (b) 2. and  
3             948.01 (5) (b) of the statutes; **relating to:** sexual contact.

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### *Analysis by the Legislative Reference Bureau*

Under current law, there are various crimes that prohibit nonconsensual or undesirable sexual contact between persons. Generally, "sexual contact" is defined to cover intentional touching of intimate parts for reasons such as sexual arousal or gratification. This bill expands the definitions of "sexual contact" to cover the intentional emission of seminal fluid upon another person for sexually related purposes. Thus, for example, under the bill, a person who intentionally emits seminal fluid on another, without consent and for sexually related purposes, is subject to prosecution for a sexual assault. Any person who is convicted of this type of sexual assault may be fined not more than \$10,000 or imprisoned for not more than 5 years or both. Higher penalties apply if aggravating circumstances exist, such as when the victim is younger than 16 years old, the act causes injury or the act is committed with a weapon.

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

4             **SECTION 1.** 939.22 (34) of the statutes is amended to read:  
5             939.22 (34) "Sexual contact" means the intentional touching of the clothed or  
6             unclothed intimate parts of another person with any part of the body clothed or  
7             unclothed or with any object or device, ~~or~~ the intentional touching of any part of the

1 body clothed or unclothed of another person with the intimate parts of the body  
2 clothed or unclothed, or the intentional emission of seminal fluid upon any part of  
3 the body clothed or unclothed of another person, if that intentional touching or  
4 emission is for the purpose of sexual humiliation, sexual degradation, sexual arousal  
5 or gratification.

6 **SECTION 2.** 940.225 (3) of the statutes is amended to read:

7 940.225 (3) THIRD DEGREE SEXUAL ASSAULT. Whoever has sexual intercourse  
8 with a person without the consent of that person is guilty of a Class D felony.  
9 Whoever has sexual contact in the manner described in sub. (5) (b) 2. with a person  
10 without the consent of that person is guilty of a Class D felony.

11 **SECTION 3.** 940.225 (3m) of the statutes is amended to read:

12 940.225 (3m) FOURTH DEGREE SEXUAL ASSAULT. ~~Whoever~~ Except as provided in  
13 sub. (3), whoever has sexual contact with a person without the consent of that person  
14 is guilty of a Class A misdemeanor.

15 **SECTION 4.** 940.225 (5) (b) of the statutes is renumbered 940.225 (5) (b) (intro.)  
16 and amended to read:

17 940.225 (5) (b) (intro.) "Sexual contact" means any intentional of the following:

18 1. Intentional touching by the complainant or defendant, either directly or  
19 through clothing by the use of any body part or object, of the complainant's or  
20 defendant's intimate parts if that intentional touching is either for the purpose of  
21 sexually degrading; or for the purpose of sexually humiliating the complainant or  
22 sexually arousing or gratifying the defendant or if the touching contains the  
23 elements of actual or attempted battery under s. 940.19 (1).

24 **SECTION 5.** 940.225 (5) (b) 2. of the statutes is created to read:

