

Sexual Assault Laws

State of Wisconsin

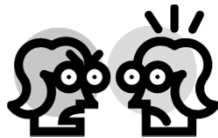
Wisconsin State Statute 940.225

- Creates four degrees of sexual assault
 - Based on force of assault
 - Damage done to the victim
 - Does not factor in resistance of the victim



Sexual Assault

- Sexual assault is a violent, personal crime causing citizens to fear serious injury or loss of life during an attack.



FIRST DEGREE SEXUAL ASSAULT (Class B Felony)

- A person can be imprisoned not more than 60 years for committing first degree sexual assault.
 - **This includes sexual intercourse or sexual contact without consent**
 - which inflicts great bodily harm, or
 - accomplished by using a dangerous weapon, or
 - without consent while aided by one or more persons, or
 - with a person 12 years or under.

Check for Understanding

- Which of the following would qualify as First Degree Sexual Assault?
 - An adult woman has sex with a 15 year old boy
 - Yes or No?
 - A man rapes a woman at gunpoint
 - Yes or No?
 - A 14 year old boy has sex with an 11 year old girl
 - Yes or No?

Answers

- Which of the following would qualify as First Degree Sexual Assault?
 - An adult woman has sex with a 15 year old boy
 - Yes or **No**? – boy was not under 12
 - A man rapes a woman at gunpoint
 - **Yes** or No?
 - A 14 year old boy has sex with an 11 year old girl
 - **Yes** or No?

SECOND DEGREE SEXUAL ASSAULT (Class C Felony)

- A person can be imprisoned not more than 40 years and/or fined not more than \$100,000 for committing second degree sexual assault.
 - **This includes sexual intercourse or sexual contact without consent**
 - through the use or threat of violence, or
 - which causes injury, including illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care, or
 - with a person over 12 and under 16 years of age.
 - **And having sexual intercourse or sexual contact with a person**
 - known by the perpetrator to be unconscious or mentally ill or mentally deficient.

Check for Understanding

- Which of the following would be a Second Degree Sexual Assault
 - Two 15 year olds have sex, the parent of one determines it was not consensual
 - Yes or No?
 - An adult Male has sex with a 16 year old girl
 - Yes or No?
 - A female physically threatens a male into having sex
 - Yes or No?

Answers

- Which of the following would be a Second Degree Sexual Assault
 - Two 15 year olds have sex, the parent of one determines it was not consensual
 - Yes or No?
 - An adult Male has sex with a 16 year old girl
 - Yes or No? She was older than 15,
 - A female physically threatens a male into having sex
 - Yes or No?

THIRD DEGREE SEXUAL ASSAULT (Class G Felony)

- A person can be imprisoned not more than 10 years and/or fined not more than \$25,000 for having sexual intercourse with a person without the consent of that person.
- First, second and third degree sexual assaults are felonies.

Check For Understanding

- Which of the following is a Third Degree Sexual Assault?
 - One student pressures and forces another student into performing oral sex
 - Yes or No?

Answers

- Which of the following is a Third Degree Sexual Assault?
 - One student pressures and forces another student into performing oral sex
 - Yes or No?

FOURTH DEGREE SEXUAL ASSAULT (Class A Misdemeanor)

- A person can be imprisoned not more than 9 months in the county jail and/or fined not more than \$10,000 for having sexual contact with a person without the consent of that person.



Resources

- National Sex Offender Registry
 - www.familywatchdog.us
- Wisconsin's

Sexual Contact

- (a) Intentional touching by the complainant or defendant,
 - either directly or through clothing by the use of any body part or object, of the complainant's or
 - defendant's intimate parts if that intentional touching is either for the purpose of sexually degrading or
 - sexually humiliating the complainant or sexually arousing or gratifying the defendant.
- (b) Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant upon any part
 - of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the
 - purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually
 - arousing or gratifying the defendant.
- (c) For the purpose of sexually degrading or humiliating the complainant or sexually arousing or gratifying the defendant, intentionally causing the complainant to
 - ejaculate or emit urine or feces on any part of the defendant's body, whether clothed or unclothed.

Sexual Intercourse

- Vulvar penetration as well as cunnilingus, fellatio, or anal intercourse
 - between persons or any other intrusion, however slight, of any part of a person's body
 - or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction.
- The emission of semen is not required (NOTE: a different definition MIGHT apply for 1st degree SA of a child—for more guidance, please contact your district attorney).

Sexually Explicit Conduct

- Actual or simulated:
- (a) Sexual intercourse, meaning vulvar penetration as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required;
- (b) Bestiality;
- (c) Masturbation;
- (d) Sexual sadism or sexual masochistic abuse including, but not limited to, flagellation, torture, or bondage;
- (e) Lewd exhibition of intimate parts

Sexual Harassment

- uninvited letters, telephone calls, or materials of a sexual nature
- uninvited and deliberate touching, leaning over, cornering, or pinching
- uninvited sexually suggestive looks or gestures
- uninvited pressure for sexual favors
- uninvited pressure for dates
- uninvited sexual teasing, jokes, remarks or questions

Reflection on Abuse- Sexual, Emotional, Physical, and Neglect

1. Which had the biggest impact on you and why?

2. What did you think about Tasha's story? What, if anything, surprised you?

3. What similarities do you see in these stories?

4. Describe potential impacts of power differences (e.g., age, status, or position) within situations of abuse.

5. What are two things you could do to keep an abuser from hurting you?

CONSENTING SITUATIONS

Ask: Is someone consenting to have sexual intercourse with you if he/she

- gets into your car with you?
- goes out on a date with you?
- lets you buy dinner?
- goes on a picnic to a secluded place with you?
- gets drunk with you?
- goes up to your bedroom with you when your parents are not home or goes to your dorm room with you when your roommate is not there?
- makes out with you clothed?
- makes out with you naked?
- has oral sex with you?
- does not say anything when you start to have sexual intercourse?
- says no but keeps responding physically in a sexual way?
- says yes but his/her body seems to be saying no?
- says yes, yes, yes?