

940.225 Sexual assault.

- (1) FIRST DEGREE SEXUAL ASSAULT.** Whoever does any of the following is guilty of a Class B felony:
- (a)** Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.
 - (b)** Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.
 - (c)** Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
- (2) SECOND DEGREE SEXUAL ASSAULT.** Whoever does any of the following is guilty of a Class C felony:
- (a)** Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
 - (b)** Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.
 - (c)** Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.
 - (cm)** Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.
 - (d)** Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.
 - (f)** Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.
 - (g)** Is an employee of a facility or program under s. [940.295 \(2\) \(b\)](#), [\(c\)](#), [\(h\)](#) or [\(k\)](#) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.
 - (h)** Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.
 - (i)** Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or who has influenced or has attempted to influence another probation, parole, or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.
 - (j)** Is a licensee, employee, or nonclient resident of an entity, as defined in s. [48.685 \(1\) \(b\)](#) or [50.065 \(1\) \(c\)](#), and has sexual contact or sexual intercourse with a client of the entity.
- (3) THIRD DEGREE SEXUAL ASSAULT.** Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony. Whoever has sexual contact in the manner described in sub. [\(5\) \(b\) 2.](#) or [3.](#) with a person without the consent of that person is guilty of a Class G felony.
- (3m) FOURTH DEGREE SEXUAL ASSAULT.** Except as provided in sub. [\(3\)](#), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.