Wisconsin Sexual Assault Law and Penalties of Violation

Sexual assault is any forced or coerced sexual intercourse or contact. It is a crime of violence in which assailants, whether known to the victim or not, are motivated by a desire to humiliate and/or exert power over the victim. (Refer to Wisconsin State Statutes 940.225 and 948.02.) In short, any sexual contact which you do not want is sexual assault.

Wisconsin statutes define four degrees of sexual assault. They range from uninvited and unwanted touching to forced intercourse. Sexual assault can occur between persons in dating or sexual relationships, including marriage. It can also occur between persons of the same sex.

These are the four degrees of sexual assault in Wisconsin.

First Degree Sexual Assault is:
- Sexual intercourse or sexual contact without consent which causes pregnancy or inflicts great bodily harm, or
- Sexual intercourse or sexual contact without consent accomplished by using, or threatening to use a dangerous weapon, or
- Sexual intercourse or sexual contact without consent while aided by one or more persons.

Second Degree Sexual Assault is:
- Sexual intercourse or sexual contact without consent through the use or threat of violence, or
- Sexual intercourse or sexual contact without consent which causes injury, including illness, disease, or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care, or
- Sexual intercourse or sexual contact with a person known by the perpetrator to be unconscious or mentally ill or mentally deficient.

Third Degree Sexual Assault is:
- Having sexual intercourse with a person without that person's consent.

Fourth Degree Sexual Assault is:
- Having sexual contact with a person without that person’s consent.

Penalties for conviction of a criminal or civil action based on a crime of sexual assault or rape range from fines, financial restitution and probation to imprisonment, depending on the degree of the assault.

First degree sexual assault is a class B felony. A person found guilty of first degree sexual assault may be imprisoned up to 20 years. Second degree sexual assault is a class C felony. One found guilty of second degree sexual assault can be imprisoned not more than 10 years and/or fined not more than $10,000. Third degree sexual assault is a class D felony. The penalty for a third degree sexual assault is imprisonment for not more than five years and/or a fine of not more than $10,000. Fourth degree sexual assault is a class A misdemeanor. The penalty for fourth degree sexual assault is imprisonment for not more than nine months and/or a fine of not more than $10,000.
Penalties for students found guilty of sexual assault by the Student Rights and Responsibilities office range from probation to suspension/expulsion. The University may also take whatever action it deems necessary to provide for the safety of the members of the university community.