

# **Sexual Assault Statutes**

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**Summary of Statutes:** see §940.225 for complete elements

## **Lack of Consent Required**

**§940.225 (1) 1<sup>o</sup> SA - Sexual Contact (SC) or Sexual Intercourse (SI) causing or including:**

1. Pregnancy or great bodily harm
2. Use or threat of dangerous weapon
3. Aided or abetted by force or threat of force

**§940.225 (2) 2<sup>o</sup> SA - SC or SI causing or including:**

1. Force or threat of force
2. Injury, illness, disease, impairment of sexual or reproductive organ, mental anguish
3. Aided or abetted and has SC or SI

**§940.225 (3) 3<sup>o</sup> SA**

1. Sexual Intercourse
2. SC, involving ejaculation or emission of urine or feces

**§940.225 (3m) 4<sup>o</sup> SA**

1. SC not involving ejaculation or emission in 3<sup>o</sup>

**WITHOUT CONSENT** = Victim is NOT required to physically resist or even say "No." Ask questions to determine what victim thought was going to happen:

- Was there fear of death or bodily injury?
- Was there a threat to others?
- Was a weapon or something fashioned as a weapon involved?
- Was there false imprisonment and/or strangulation or other crimes of violence?
- Is there history of violence? Why did the perpetrator target this victim? What was the victim's vulnerability?

# **Sexual Assault Statutes**

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**Summary of Statutes:** see §940.225 for complete elements

## **Lack of Consent Not Required**

**§940.225 (2) (cm) 2<sup>o</sup> SA - SC or SI with person intoxicated to degree making person incapable of consent. Assailant must know of degree of intoxication**

**§940.225 (2) (d) 2<sup>o</sup> SA - SC or SI with person defendant knows is unconscious**

**§940.225 (2) (g) 2<sup>o</sup> SA - SC or SI with a patient or resident by an employee of a facility or program under §940.295**

**§940.225(2) (h) 2<sup>o</sup> SA - SC or SI by correctional staff with a person confined to a correctional institution**

**§940.225(2)(i) 2<sup>o</sup> SA - SC or SI by a supervising parole or extended supervision agent with an individual on probation, parole, or extended supervision**

**§940.225(2)(j) 2<sup>o</sup> SA - SC or SI by a licensee, employee, or non-client resident of an entity, as defined in s. 48.685 (1) (b) or 50.065 (1) (c), with a client of the entity**

## **Victim is targeted for vulnerability**