

1352 ADMINISTERING A DANGEROUS OR STUPEFYING DRUG — § 941.32**Statutory Definition of the Crime**

Section 941.32 of the Criminal Code of Wisconsin, is violated by one who administers to another or causes another to take any poisonous, stupefying, overpowering, narcotic, or anesthetic substance with intent thereby to facilitate the commission of a crime.

State's Burden of Proof

Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following three elements were present.

Elements of the Crime That the State Must Prove

1. The defendant [administered¹ a substance to (name of victim)] [caused (name of victim) to take a substance].
2. The substance was poisonous, stupefying, overpowering, narcotic, or anesthetic.
3. The defendant acted with the intent to² facilitate the commission of a crime.

"Facilitate" means to make easier or less difficult.³

Deciding About Intent

You cannot look into a person's mind to find intent. Intent must be found, if found at all, from the defendant's acts, words, and statements, if any, and from all the facts and circumstances in this case bearing upon intent.

Jury's Decision

If you are satisfied beyond a reasonable doubt that all three elements of this offense have been proved, you should find the defendant guilty.

If you are not so satisfied, you must find the defendant not guilty.

COMMENT

Wis JI-Criminal 1352 was originally published in 1974 and revised in 1977. This revision was approved by the Committee in March 2007 and involved adoption of a new format and nonsubstantive changes to the text.

1. If the definition of "administered" is an issue, consulting § 961.01(1r) may be helpful. It contains the definition for "administer" as used in the Uniform Controlled Substance Act. The committee concluded that with modification that definition can be used here. A suggested definition for "administered," based on § 961.01(1r) is:

"Administered" as used here means the direct application of the substance, whether by injection, inhalation, ingestion or any other means to the body of the victim.

2. "With intent to" is defined in § 939.23(4) to require the mental purpose to cause the result specified or awareness that conduct is practically certain to cause that result. See Wis JI-Criminal 923B.

3. Webster's Third New International Dictionary 812 (unabridged ed. 1961).