

**2107 EXAMPLE REPEATED ACTS OF SEXUAL ASSAULT OF A CHILD — § 948.025(1)(b)****Statutory Definition of the Crime**

Section 948.025(1)(b) of the Criminal Code of Wisconsin is violated by one who, within a specified period of time, commits three or more sexual assaults of the same child.

**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 two elements were present.

**Elements of the Crime That the State Must Prove**

1. The defendant committed at least three sexual assaults of (name of victim).

In this case, the defendant is alleged to have committed sexual assault of a child by violating Section 948.02(1)(b).

Section 948.02(1)(b) requires the State to prove that:

§ The defendant had sexual intercourse with (name of victim).

§ (Name of victim) was under the age of 12 years at the time of the alleged sexual intercourse.

Knowledge of (name of victim)'s age is not required and mistake regarding (name of victim)'s age is not a defense.

Consent to sexual intercourse is not a defense.

**Meaning of Sexual Intercourse**

REFER TO WIS JI-CRIMINAL 2101B FOR DEFINITION OF "SEXUAL INTERCOURSE" AND INSERT THE APPROPRIATE DEFINITION HERE.

2. At least three sexual assaults took place within a specified period of time. The specified period of time is from (beginning date of specified period) through (ending date of specified period).

GIVE THE FOLLOWING ONLY IF MORE THAN THREE ACTS HAVE BEEN ALLEGED.

**[More Than Three Acts Alleged]**

[Before you may find the defendant guilty you must unanimously agree that at least three sexual assaults occurred between (beginning date of specified period) and (ending date of specified period), but you need not agree on which acts constitute the required three.]

**Jury's Decision**

If you are satisfied beyond a reasonable doubt that the defendant committed three violations of § 948.02(1)(b) within the specified period of time, you should find the defendant guilty.

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

**COMMENT**

Wis JI-Criminal 2107 EXAMPLE was approved by the Committee in December 2008.

This instruction is drafted as an example of how Wis JI-Criminal 2107 would read when applied to a case where all the predicate offenses for a charge under § 948.025(1)(b) are violations of § 948.02(1)(b).