Rapist, Pedophile, Sex Offender: Why Wisconsin Law Says They’re Not the Same

A Wisconsin Journey into Sexual Offenses and Offenders

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A note to readers: This article is for education. It is not legal or clinical advice, and it does not diagnose anyone. Laws change, and the law that applies to a case may depend on when the conduct occurred. For help with a specific situation, speak with a qualified Wisconsin attorney or a licensed mental health professional.

Content note: This article discusses sexual violence, including offenses against children. If you or someone you love has been harmed, help is available. The Wisconsin Coalition Against Sexual Assault (wcasa.org) can connect you with local sexual assault service providers, and the National Sexual Assault Hotline (RAINN) is available 24/7 at 800-656-4673.

A Place to Begin

Sexual offenses can be difficult to discuss. The subject brings strong feelings, and the law can seem confusing.

We can understand it better by taking one question at a time.

What does the law prohibit? What must the state prove? What happens after a conviction? What do we know about repeat offending?

Words matter, too. People often use “rapist,” “pedophile,” and “sex offender” as though they mean the same thing. They do not.

A conviction tells us that a person was found legally responsible for an offense. A clinical diagnosis concerns a person’s symptoms, interests, or patterns of behavior. Registration is a separate legal duty.

These categories can overlap. But none should be assumed from a label alone.

Being precise does not excuse harm. It helps us understand the harm, the law, and the person’s legal status.

1. Offenses Against Children

Understanding Contact and Intercourse

Wisconsin's main child sexual assault law is section 948.02. It has two degrees: first and second. Before looking at them, we need to understand two terms.

Sexual contact includes certain intentional touching of intimate body parts. Touching through clothing can count. The usual touching-based offense also requires a purpose, such as sexual gratification or sexually degrading or humiliating the child. An accidental touch does not meet that requirement. The full definition includes other forms of contact.[1]

Sexual intercourse has a broader legal meaning than many people expect. It includes certain oral sexual acts and even slight genital or anal penetration by a body part or object. Ejaculation is not required. Proper medical care and other appropriate nonsexual procedures are excluded.[2]

At a criminal trial, the state must prove every required element beyond a reasonable doubt. An "element" is a fact that must be established for the offense.

First-Degree Sexual Assault of a Child

There are five grounds for first-degree child sexual assault:

Section	Basic requirements
948.02(1)(am)	Sexual contact or intercourse with a child under 13, causing great bodily harm
948.02(1)(b)	Sexual intercourse with a child under 12
948.02(1)(c)	Sexual intercourse with a child under 16 through force, violence, or threats of either
948.02(1)(d)	Sexual contact with a child under 16 through force, violence, or threats of either, when the defendant is at least 18
948.02(1)(e)	Sexual contact or intercourse with a child under 13

"Under 13" means before the child's thirteenth birthday.

The first provision is a Class A felony. The others are Class B felonies. A felony is a serious category of crime.

First degree does not always require force or injury. Some provisions depend on the child's age and the sexual act. Others require additional facts. The exact subsection matters.[3]

Second-Degree Sexual Assault of a Child

Section 948.02(2) covers sexual contact or intercourse with a child under 16, except when the underage sexual activity provision in section 948.093 applies. It is a Class C felony.[3]

Force, threats, and injury are not required. Wisconsin's jury instructions now separate sexual contact cases from sexual intercourse cases. Under both, the child's agreement is not a defense, and a mistake about the child's age is not a defense, either.[4]

Second degree is not limited to teenagers. Its age range also includes younger children. The degree alone does not tell us the victim's age.

There is an important limit. A person does not commit this offense merely by being sexually assaulted by a minor. In *State v. Lackershire*, the Wisconsin Supreme Court held that the record raised a substantial question about whether the defendant was the victim rather than the perpetrator. The plea colloquy did not show that she understood that being raped would not be the charged crime, so the court sent the case back for further proceedings.[5]

What the Conviction Does — and Does Not — Tell Us

A conviction under section 948.02(2) does not, by itself, mean that the person is a pedophile.

Pedophilic sexual interest concerns prepubescent children. "Prepubescent" means before puberty. An offense against an adolescent who has entered puberty does not, standing alone, establish that interest.

The clinical reference used here is the DSM-5-TR, published by the American Psychiatric Association. Its diagnosis of pedophilic disorder includes several requirements. These concern a recurring pattern of intense sexual fantasies, urges, or behavior involving prepubescent children over at least six months. Other criteria address acting on the urges, distress or interpersonal difficulty, the person's age, and the age difference. The manual also includes a qualification concerning certain older adolescent relationships.[6]

A qualified clinician must assess those requirements. A conviction is not a substitute for that assessment.

The same care applies to first-degree offenses. Several provisions concern very young children, and that information may be relevant to a clinical assessment. But other first-degree provisions cover forcible conduct against adolescents.

Neither degree automatically establishes — or rules out — pedophilic disorder.

Other Offenses Involving Minors

Chapter 948 has other sexual offenses. They are separate crimes, not third- or fourth-degree child sexual assault.

Underage sexual activity — section 948.093. This Class A misdemeanor covers specified conduct by someone under 19. It addresses sexual contact with a 15-year-old and intercourse with a child who has reached 15. The statute contains a spouse exception. Conduct covered by this law remains criminal. The section was created by 2017 Wisconsin Act 174, effective March 30, 2018 — a good example of why the date of the conduct matters.[7]

Intercourse with a child age 16 or older — section 948.09. This Class A misdemeanor applies when someone 19 or older has intercourse with a 16- or 17-year-old who is not their spouse.[8]

These provisions show why a simple statement about the "age of consent" may leave out important details.

Chapter 948 also addresses repeated assaults, exploitation, incest, enticement, sexual images of children, and sexual contact by school staff and by adults who work or volunteer with children. Each offense has its own requirements.[9]

Understanding "Romeo and Juliet"

"Romeo and Juliet law" is an informal phrase. It can cause confusion because people use it for different legal rules.

One rule classifies certain underage sexual activity as a misdemeanor. Another allows some people to seek an exception from registration.

For the principal close-in-age registration exception, the requirements include being under 19 and within four years of the child's age. Other limits concern the conduct and public protection. The court must determine that the requirements are met, and an applicant seeking relief at a hearing must prove eligibility by clear and convincing evidence.[10]

Relief from registration does not erase the conviction.

A conviction under section 948.093 alone does not automatically require registration. A court can still order registration under separate authority in an appropriate case.[10]

2. Sexual Assault, Including Rape

Wisconsin's general sexual assault law is section 940.225. It can apply to adult or child victims. Chapter 940 uses its own definitions of sexual contact and sexual intercourse, which are similar to, but not identical to, the chapter 948 definitions.[11]

People may call these the "rape statutes." But some violations involve sexual touching without intercourse. "Sexual assault" is the broader legal term.

First Degree

First-degree sexual assault is a Class B felony. Its grounds include:

- Nonconsensual contact or intercourse causing pregnancy or great bodily harm.
- Nonconsensual contact or intercourse using or threatening a dangerous weapon or qualifying apparent weapon.
- Nonconsensual contact or intercourse involving force or threats and help from another person.

- A second-degree violation against someone age 60 or older. This ground was added by 2021 Wisconsin Act 76, effective August 8, 2021, and applies whether or not the defendant knew the victim's age.[11]

Second Degree

Second-degree sexual assault is a Class C felony. It has several separate grounds:

Provision	Main issue
(a)	Force or threats and lack of consent
(b)	Lack of consent and specified physical or psychiatric harm
(c)	Incapacity from mental illness or deficiency, known to the defendant
(cm)	Intoxication causing inability to consent, with required knowledge and purpose
(d)	Known unconsciousness
(f)	Lack of consent and help from another person
(g)–(k)	Certain care, correctional, supervision, or law-enforcement relationships

Each provision has its own requirements. Drinking alcohol or having a mental illness does not automatically establish an incapacity-based offense.[11]

The relationship-based provisions cover specific roles. Examples include correctional staff and confined people, supervising agents and people they supervise, and law-enforcement officers and detained people. The required relationship and any statutory exceptions matter.[12]

Third and Fourth Degree

Third degree includes intercourse without consent and certain specifically defined forms of sexual contact without consent. It is a Class G felony.

Fourth degree covers other sexual contact without consent within the statute. It is a Class A misdemeanor.[11]

These degrees explain why knowing that intercourse occurred is not enough to identify the charge.

Consent Does Not Require Fighting Back

Wisconsin defines consent as words or overt actions by a competent person showing a freely given agreement to the sexual contact or intercourse.[13]

For the force-based second-degree offense, the state must prove both lack of consent and force or threats. The jury instructions — one for sexual contact and one for sexual intercourse — tell jurors that physical resistance is not required.[13] The Wisconsin Supreme Court has also explained that a failure to say no, or to resist, is not consent.[14]

Force may occur during the sexual contact itself. A separate attack beforehand is not always necessary. In *State v. Hayes*, the court held that the force element is met when force or threats are directed at compelling the victim's submission, whether used before or as part of the sexual act. *State v. Long* applied that rule to a forcible hug that held the victim in place.[14]

3. What Can Follow a Conviction?

The Criminal Sentence

The basic felony limits include:

Class	Basic maximum
A	Life imprisonment
B	60 years
C	40 years, a $100,000 fine, or both
G	10 years, a $25,000 fine, or both

These are legal limits, not predictions of a sentence. Many felony sentences include prison confinement and extended supervision. Multiple counts and other sentencing rules can affect the total.[15]

Certain child offenses also carry mandatory minimum confinement. For covered adult offenders:

- Section 948.02(1)(am) — at least 25 years of confinement.
- Sections 948.02(1)(b) and (c) — at least 25 years of confinement.
- Section 948.02(1)(d) — at least 5 years of confinement.

The minimum-sentence law excludes offenders who were under 18 when the violation occurred.[16]

Living Under Supervision

Probation, parole, and extended supervision are different legal statuses. Each involves rules for living in the community.

Courts and the Department of Corrections set supervision conditions. People supervised for sexual offenses may face specialized treatment, polygraph ("honesty") testing, and rules about contact with minors, relationships, internet access, housing, and monitoring. Conditions depend on the law and the individual orders in each case.[17]

A supervision violation is not always a new crime. Returning someone to custody for breaking a rule should not automatically be described as another sexual offense. Wisconsin's statistics distinguish rearrest, reconviction, and reincarceration.[18]

Registration and GPS Monitoring

Registration requires reporting specified information. GPS monitoring tracks location. They are separate duties.

Both can continue after a criminal sentence ends, sometimes for life. But not everyone on the registry wears a GPS monitor. As of July 1, 2025, Wisconsin reported 27,404 registrants and 3,761 people on GPS monitoring.[19]

Wisconsin courts have treated registration and lifetime GPS tracking as nonpunitive in important decisions. *State v. Bollig* addressed registration. *State v. Muldrow* addressed GPS tracking in deciding what a defendant needed to be told before pleading guilty.[20]

"Nonpunitive" is a legal classification. It does not mean the duties are minor or voluntary.

What Registrants Can and Cannot Do

Public discussion often assumes rules that state law does not actually contain. A few examples:

- **Working with children.** Certain people convicted of serious child sex offenses may not work or volunteer in positions that involve regular, direct contact with children.[21]
- **School property.** Registrants generally need permission from school officials before entering school premises, subject to statutory exceptions.[21]
- **Where people live.** According to the Department of Corrections, state law does not restrict where registrants who are off supervision may live. Local ordinances may, and supervision rules may for those still under supervision.[21]

4. Civil Commitment Under Chapter 980

Some people face a separate court proceeding as they approach release.

Chapter 980 allows civil commitment when the required legal findings are made. Qualifying offenses can arise under both Chapters 940 and 948.

The findings include qualifying offense history, a mental disorder as defined by the law, and dangerousness linked to that disorder. The disorder must make future acts of sexual violence more likely than not.[22]

At trial, the state must prove beyond a reasonable doubt that the person meets the law's definition of a sexually violent person. Prior sexual offenses alone do not establish the required mental disorder.[23]

People committed to secure treatment are held at Sand Ridge Secure Treatment Center. Commitment has no fixed end date like a set prison term.

Some people later live in the community on Chapter 980 supervised release. They remain committed and must follow strict conditions. Others obtain discharge, which ends the commitment. Separate

registration or monitoring duties may continue.[24]

Chapter 980 uses a legal definition of mental disorder. Commitment is not another name for a diagnosis of pedophilic disorder.

For a closer look at Sand Ridge and the numbers, see our follow-up article, *Inside Sand Ridge: What Wisconsin's Chapter 980 Numbers Tell Us*.

5. What Do the Statistics Show?

It is reasonable to want clear answers about public safety. We can get useful answers, but we must ask the questions carefully.

A repeat-offending statistic needs three details:

> **1. Who was studied?**
>
> **2. What event was counted?** (An arrest, a conviction, and a return to prison are different events. Another sexual offense is also different from any new offense.)
>
> **3. How long were people followed?**

Wisconsin's Registry

Wisconsin's 27,404 registrants as of July 1, 2025, counts people in the registration program. It does not count new offenses during that year or tell us how many people will offend again.[19]

Wisconsin's Historical Findings

A Wisconsin Department of Corrections report published in 2015 studied 12,849 releases between 1992 and 2010. For the 2010 release group, the three-year results were:

Recorded outcome	Rate
Any qualifying new conviction among sexual offenders	16.8%
Any qualifying new conviction among all released offenders	31.6%
New qualifying sexual conviction among sexual offenders	1.5%

The comparison group includes sexual offenders.

Across release groups with enough follow-up, pooled sexual-recidivism figures were 2.9% at three years, 4.1% at five years, 6.2% at ten years, and 8.0% at fifteen years. Different groups contribute to these periods. They are not one group followed across every interval.

The study counted Wisconsin convictions resulting in DOC custody or supervision. It excluded out-of-state convictions, jail-only sentences, and several other outcomes. People sent directly into Chapter 980 commitment were excluded. These are historical findings, not current estimates.[25]

Comparing Different Offense Groups

A federal study followed people released from prisons in 34 states — including Wisconsin — in 2012 for five years.

Original prison offense	Arrested for any offense within five years
Homicide	41.3%
Rape/sexual assault	48.0%
Public order	68.9%
Drug	69.8%
Assault	71.9%
Robbery	72.8%
Property	78.3%

The rape/sexual-assault group had the second-lowest overall rearrest rate among these listed groups, after homicide.

That finding belongs to this study. It is not a universal ranking. People were grouped by their most serious prison offense, so the category does not represent everyone on a registry.

Within the rape/sexual-assault group, 4.3% were arrested for rape or sexual assault within five years. Calling the 48% overall figure a "sexual reoffending rate" would be incorrect.[26]

Looking Further Ahead

Another federal study followed the 2005 prison-release group in 30 states for nine years. Among those released for rape or sexual assault:

- 7.7% were arrested for rape or sexual assault.
- About 67% were arrested for any offense, compared with about 84% of other released prisoners.

Both halves of this finding matter. People released for rape or sexual assault were **less** likely than other released prisoners to be arrested for any crime — but they were **more than three times as likely** to be arrested for rape or sexual assault (7.7% versus 2.3%). They made up 5% of releases and 16% of the group's later rape or sexual assault arrests.[27]

Age made a difference. Nine-year rape/sexual-assault rearrest was 11.8% for those 24 or younger at release and 5.9% for those 40 or older.[27]

These findings show why one average should not be used to describe every person.

Risk Can Change Over Time

A study combining 4,724 adult men from ten studies estimated sexual recidivism through new charges or convictions at about 14% over five years, 20% over ten, and 24% over fifteen. These estimates use different groups and measures from Wisconsin's study.

The researchers found lower risk among older people and those who remained offense-free longer. Prior sexual convictions also mattered: fifteen-year estimates were 19% for first-time sexual offenders and 37% for those with prior sexual convictions. Rates also varied widely by offense pattern — from 13% for extended-incest offenders to 35% for offenders against boys over fifteen years.[28]

A past conviction matters. But it does not mean a person's risk stays the same forever.

Treatment Can Help

A 2019 research review found that sexual-offense treatment programs were associated with a 32.6% relative reduction in offense-specific recidivism.

That does not mean a drop of 32.6 percentage points. Results also varied with staffing and program delivery. The finding supports treatment as a way to improve public safety, while leaving room to assess which programs work best.[29]

Chapter 980 Outcomes

A 2025 study examined 170 men previously committed to Sand Ridge and later placed on supervised release. Researchers examined each person's first two years after release.

Finding	Number	Percentage
Recorded pedophilic disorder diagnosis	85	50%
Revocation for any supervision violation	68	40%
Sexual-offense-related revocation (includes sexual offenses and offense-analogous behavior)	31	18.2%
Revocation involving any criminal offense	17	10%
Revocation involving a sexual offense	11	6.5%

The categories overlap. The offense figures came from revocation records, not a count limited to new convictions. "Offense-analogous behavior" means conduct that was not a crime but, according to the records, showed a return of interests or behaviors linked to past offending.

The study describes a selected supervised-release group under highly restrictive conditions, followed for only 24 months. The authors caution that the results do not generalize to people on routine community supervision. The study also does not describe all Chapter 980 patients, lifetime outcomes, or people discharged without supervision, and it does not establish diagnosis rates for a particular criminal statute.[30]

Reading the Numbers With Care

Official records miss undetected offenses. Arrests do not establish guilt. Group averages do not determine one person's risk.

These limits do not make the research useless. They tell us how to use it.

The evidence does not support saying that everyone convicted of a sexual offense will offend again. It also does not support saying that everyone presents little or no risk. Both points are true at the same time, and we can recognize both to make better decisions.

Closing: Understanding Before Assuming

We do not need to choose between taking sexual harm seriously and describing the law accurately.

A child sexual assault conviction does not automatically establish pedophilia. Registration, GPS monitoring, criminal supervision, and civil commitment are separate legal matters. Their requirements and ending points differ.

Research also challenges the belief that sexual reoffending is inevitable. Recorded outcomes vary by the group, the measure, and the time studied. Age, history, treatment, and time without offending can matter. At the same time, people released for sexual offenses are more likely than others to be arrested for another one — a reason for careful supervision and treatment, not for assumptions about every individual.

The most helpful questions are clear ones: What happened? What did the law require? What consequences apply? What does the evidence actually show?

Taking those questions one at a time gives us a sounder understanding of Wisconsin's laws and the people affected by them.

> **Where to find help**
>
> Survivors: Wisconsin Coalition Against Sexual Assault, wcasa.org · National Sexual Assault Hotline (RAINN), 800-656-4673 or rainn.org.
>
> Legal questions: a qualified Wisconsin attorney. The State Bar of Wisconsin's Lawyer Referral and Information Service can help you find one.
>
> This article educates. It does not provide legal advice, and Paper Chasers LLC is not a law firm.

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