

**50 State Survey of Sexual Offenses Against Children (Statutory Rape)
NIC/WCL Project on Addressing Prison Rape**

State	Offense	Offenses	Penalty
Alabama	1° Rape ALA. CODE § 13A-6-61 (2005).	(a) A person commits the crime of rape in the first degree if: (1) He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or (2) He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated; or (3) He or she, being 16 years or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old.	Life, or not less than 20 or more than 99 years
	2° Rape ALA. CODE § 13A-6-62 (2005).	(a) A person commits the crime of rape in the second degree if: (1) Being 16 years old or older, he or she engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least two years older than the member of the opposite sex. (2) He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective.	2-20 years
	1° Sodomy ALA. CODE § 13A-6-63 (2005).	a) A person commits the crime of sodomy in the first degree if: (1) He engages in deviate sexual intercourse with another person by forcible compulsion; or (2) He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated; or (3) He, being 16 years old or older, engages in deviate sexual intercourse with a person who is less than 12 years old.	Life, or not less than 20 or more than 99 years
	2° Sodomy ALA. CODE § 13A-6-64 (2005).	(a) A person commits the crime of sodomy in the second degree if: (1) He, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 and more than 12 years old. (2) He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective.	2-20 years
	Sexual torture ALA. CODE § 13A-6-65.1 (2005).	(a) A person commits the crime of sexual torture: (1) By penetrating the vagina or anus or mouth of another person with an inanimate object by forcible compulsion with the intent to sexually torture or to sexually abuse. (2) By penetrating the vagina or anus or mouth of a person who is incapable of consent by reason of physical helplessness or mental incapacity with an inanimate object, with the intent to sexually torture or to sexually abuse. (3) By penetrating the vagina or anus or mouth of a person who is less than 12 years old with an inanimate object, by a person who is 16 years old or older with the intent to sexually torture or to sexually abuse.	Life, or not less than 20 or more than 99 years
	1° Sexual Abuse ALA. CODE § 13A-6-66 (2005).	(a) A person commits the crime of sexual abuse in the first degree if: (1) He subjects another person to sexual contact by forcible compulsion; or (2) He subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated; or (3) He, being 16 years old or older, subjects another person to sexual contact who is less than 12 years old.	10 years

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	<p>2° Sexual Abuse ALA. CODE § 13A-6-67 (2005).</p>	<p>(a) A person commits the crime of sexual abuse in the second degree if: (1) He subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or (2) He, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old. (b) Sexual abuse in second degree is a Class A misdemeanor, except that if a person commits a second or subsequent offense of sexual abuse in the second degree within one year of another sexual offense, the offense is a Class C felony.</p>	<p>1st offense: Less than 1 year, 2nd or more: 1-10 years</p>
	<p>Child Molestation ALA. CODE § 13A-6-69 (2005).</p>	<p>(a) It shall be unlawful for any person with lascivious intent to entice, allure, persuade or invite, or attempt to entice, allure, persuade or invite, any child under 16 years of age to enter any vehicle, room, house, office or other place for the purpose of proposing to such child the performance of an act of sexual intercourse or an act which constitutes the offense of sodomy or for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, or for the purpose of committing an aggravated assault on such child, or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person.</p>	<p>Not more than 10 years, not less than one year imprisonment (Class C felony)</p>
Alaska	<p>Definitions ALASKA STAT. § 11.41.470 (2006).</p>	<p>Unless the context requires otherwise, (1) "health care worker" includes a person who is or purports to be an anesthesiologist, acupuncturist, chiropractor, dentist, health aide, hypnotist, massage therapist, mental health counselor, midwife, nurse, nurse practitioner, osteopath, naturopath, physical therapist, physical therapy assistant, physician, physician assistant, psychiatrist, psychologist, psychological associate, radiologist, religious healing practitioner, surgeon, x-ray technician, or a substantially similar position; (2) "incapacitated" means temporarily incapable of appraising the nature of one's own conduct or physically unable to express unwillingness to act; (3) "legal guardian" means a person who is under a duty to exercise general supervision over a minor or other person committed to the custody of the Department of Health and Social Services under AS 47.10 [Children in Need of Aid] or AS 47.12 [Delinquent Minors] as a result of a court order, statute, or regulation, and includes Department of Health and Social Services employees, foster parents, and staff members and other employees of group homes or youth facilities where the minor or other person is placed as a result of a court order or the action of the Department of Health and Social Services, and police officers, probation officers, and social workers when those persons are exercising custodial control over a minor or other person. (4) "mentally incapable" means suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person's conduct, including the potential for harm to that person; (5) "position of authority" means an employer, youth leader, scout leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist, guardian ad litem, babysitter, or a substantially similar position, and a police officer or probation officer other than when the officer is exercising custodial control over a minor;</p>	<p>N/A</p>

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		<p>(6) "sexual act" means sexual penetration or sexual contact; (7) "victim" means the person alleged to have been subjected to sexual assault in any degree or sexual abuse of a minor in any degree; (8) "without consent" means that a person (A) with or without resisting, is coerced by the use of force against a person or property, or by the express or implied threat of death, imminent physical injury, or kidnapping to be inflicted on anyone; or (B) is incapacitated as a result of an act of the defendant.</p>	
	<p>1° Sexual Abuse of a minor ALASKA STAT. § 11.41.434(a) (2006).</p>	<p>An offender commits the crime of sexual abuse of a minor in the first degree if (1) being 16 years of age or older, the offender engages in sexual penetration with a person who is under 13 years of age or aids, induces, causes, or encourages a person who is under 13 years of age to engage in sexual penetration with another person; (2) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian; or (3) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 16 years of age, and (A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or (B) the offender occupies a position of authority in relation to the victim.</p>	<p>Not less than 8-12 years and not more than 99 years</p>
	<p>2° Sexual Abuse of Minor ALASKA STAT. § 11.41.436(a) (2006).</p>	<p>An offender commits the crime of sexual abuse of a minor in the second degree if (1) being 16 years of age or older, the offender engages in sexual penetration with a person who is 13, 14, or 15 years of age and at least three years younger than the offender, or aids, induces, causes or encourages a person who is 13, 14, or 15 years of age and at least three years younger than the offender to engage in sexual penetration with another person; (2) being 16 years of age or older, the offender engages in sexual contact with a person who is under 13 years of age or aids, induces, causes, or encourages a person under 13 years of age to engage in sexual contact with another person; (3) being 18 years of age or older, the offender engages in sexual contact with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian; (4) being 16 years of age or older, the offender aids, induces, causes, or encourages a person who is under 16 years of age to engage in conduct described in AS 11.41.455 (a)(2) - (6) [(2) the lewd touching of another person's genitals, anus, or breast; (3) the lewd touching by another person of the child's genitals, anus, or breast; (4) masturbation; (5) bestiality; (6) the lewd exhibition of the child's genitals] or (5) being 18 years of age or older, the offender engages in sexual contact with a person who is under 16 years of age, and (A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or (B) the offender occupies a position of authority in relation to the victim.</p>	<p>No more than 10 years</p>

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	3° Sexual abuse of minor ALASKA STAT. § 11.41.438(a) (2006).	An offender commits the crime of sexual abuse of a minor in the third degree if (1) being 16 years of age or older, the offender engages in sexual contact with a person who is 13, 14, or 15 years of age and at least three years younger than the offender; (2) being 18 years of age or older, the offender engages in sexual penetration with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim; or (3) being under 16 years of age, the offender engages in sexual penetration with a person who is under 13 years of age and at least three years younger than the offender.	No more than 5 years
	4° Sexual Abuse of minor ALASKA STAT. § 11.41.440(a) (2006).	An offender commits the crime of sexual abuse of a minor in the fourth degree if (1) being under 16 years of age, the offender engages in sexual contact with a person who is under 13 years of age and at least three years younger than the offender; or (2) being 18 years of age or older, the offender engages in sexual contact with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim.	No more than 1 year
	Unlawful exploitation of a minor ALASKA STAT. § 11.41.455 (2006).	(a) A person commits the crime of unlawful exploitation of a minor if, in the state and with the intent of producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct listed in (1) -- (7) of this subsection, the person knowingly induces or employs a child under 18 years of age to engage in, or photographs, films, records, or televises a child under 18 years of age engaged in, the following actual or simulated conduct: (1) sexual penetration; (2) the lewd touching of another person's genitals, anus, or breast; (3) the lewd touching by another person of the child's genitals, anus, or breast; (4) masturbation; (5) bestiality; (6) the lewd exhibition of the child's genitals; or (7) sexual masochism or sadism. (b) A parent, legal guardian, or person having custody or control of a child under 18 years of age commits the crime of unlawful exploitation of a minor if, in the state, the person permits the child to engage in conduct described in (a) of this section knowing that the conduct is intended to be used in producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct. (c) Unlawful exploitation of a minor is a (1) class B felony; or (2) class A felony if the person has been previously convicted of unlawful exploitation of a minor in this jurisdiction or a similar crime in this or another jurisdiction. (d) In this section, "audio recording" means a nonbook prerecorded item without a visual component, and includes a record, tape, cassette, and compact disc.	No more than 20 years imprisonment (subject to modification based on prior convictions) if the offender has a conviction for the same or similar offense, otherwise, no more than 10 years

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Arizona	Definitions ARIZ. REV. STAT. ANN. § 13-1401 (2006).	In this chapter, unless the context otherwise requires: 1. "Oral sexual contact" means oral contact with the penis, vulva or anus. 2. "Sexual contact" means any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact. 3. "Sexual intercourse" means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva. 4. "Spouse" means a person who is legally married and cohabiting. 5. "Without consent" includes any of the following: (a) The victim is coerced by the immediate use or threatened use of force against a person or property. (b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For purposes of this subdivision, "mental defect" means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another. (c) The victim is intentionally deceived as to the nature of the act. (d) The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.	NA
	Sexual Abuse ARIZ. REV. STAT. ANN. § 13-1404 (2006).	A. A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast. B. Sexual abuse is a class 5 felony unless the victim is under fifteen years of age in which case sexual abuse is a class 3 felony.	Class 5 felony: 1.5 years Class 3 felony: 5 years
	Sexual Conduct With Minor ARIZ. REV. STAT. ANN. § 13-1405(A) (2006).	A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.	1 year
	Sexual Conduct With Minor ARIZ. REV. STAT. ANN. § 13-1405(B) (2006).	Sexual conduct with a minor who is under fifteen years of age is a class 2 felony. Sexual conduct with a minor who is at least fifteen years of age is a class 6 felony. Sexual conduct with a minor who is at least fifteen years of age is a class 2 felony if the person is the minor's parent, stepparent, adoptive parent, legal guardian or foster parent.	If offender is over 18 years and victim under 12 years, then may be sentenced to Life. If offender is 18 years and victim 13-15

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	<p>Sexual Assault ARIZ. REV. STAT. ANN. § 13-1406 (2006).</p>	<p>A. A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.</p> <p>B. Sexual assault is a class 2 felony. If the victim is under fifteen years of age, sexual assault is punishable pursuant to § 13-604.01[See sentencing under “Imprisonment”]. If the sexual assault involved the intentional or knowing administration of flunitrazepam, gamma hydroxy butyrate or ketamine hydrochloride without the victim's knowledge, the presumptive, minimum and maximum sentence for the offense shall be increased by three years. The additional sentence imposed pursuant to this subsection is in addition to any enhanced sentence that may be applicable.</p> <p>The term for a first offense is as follows: Minimum Presumptive Maximum 5.25 years 7 years 14 years</p> <p>The term for a defendant who has one historical prior felony conviction is as follows: Minimum Presumptive Maximum 7 years 10.5 years 21 years</p> <p>The term for a defendant who has two or more historical prior felony convictions is as follows: Minimum Presumptive Maximum 14 years 15.75 years 28 years</p> <p>C. The sentence imposed on a person for a sexual assault shall be consecutive to any other sexual assault sentence imposed on the person at any time.</p> <p>D. If the sexual assault involved the intentional or knowing infliction of serious physical injury, the person may be sentenced to life. If the person was at least eighteen years of age and the victim was twelve years of age or younger, the person shall be sentenced pursuant to § 13-604.01, subsection A [See sentencing under “Imprisonment”] .</p>	<p>years, then 25 years imprisonment. If offender is under 18 years, implied sentence is 5 years.</p> <p>If the victim is a child: If offender is over 18 years and victim under 12 years, then may be sentenced to Life. If offender is 18 years and victim 13-15 years, then 25 years imprisonment. Otherwise, 5 years.</p> <p>If the victim is an adult: 5.25-14 years, or if intentional and knowing infliction of serious physical injury then 25 years to life.</p>

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	<p>Molestation of Child ARIZ. REV. STAT. ANN. § 13-1410 (2006).</p>	<p>A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child under fifteen years of age.</p>	<p>If offender is over 18 years, then 17 years imprisonment. Otherwise, 5 years.</p>
	<p>Unlawful sexual conduct; correctional employees; persons in custody ARIZ. REV. STAT. ANN. § 13-1419 (2006).</p>	<p>A. A person who is employed by the state department of corrections, the department of juvenile corrections, a private prison facility or a city or county jail or who contracts to provide services with the state department of corrections, the department of juvenile corrections, a private prison facility or a city or county jail commits unlawful sexual conduct by engaging in oral sexual contact, sexual contact or sexual intercourse with a person who is in the custody of the state department of corrections, the department of juvenile corrections, a private prison facility or a city or county jail or with an offender who is under the supervision of either department or a city or county.</p> <p>B. A prisoner who is in the custody of the state department of corrections, a private prison facility or a city or county jail or an offender who is on release status and who is under the supervision of the state department of corrections or a city or county commits unlawful sexual conduct by engaging in oral sexual contact, sexual contact or sexual intercourse with a person who is employed by the state department of corrections, a private prison facility or a city or county jail or who contracts to provide services with the state department of corrections, a private prison facility or a city or county jail.</p> <p>C. This section does not apply to:</p> <ol style="list-style-type: none"> 1. A person who is employed by the state department of corrections, a private prison facility or a city or county jail or who contracts to provide services with the state department of corrections, a private prison facility or a city or county jail or an offender who is on release status if the person was lawfully married to the prisoner or offender on release status before the prisoner or offender was sentenced to the state department of corrections or was incarcerated in a city or county jail. 2. An offender who is on release status and who was lawfully married to a person who is employed by the state department of corrections, a private prison facility or a city or county jail or who contracts to provide services with the state department of corrections, a private prison facility or a city or county jail if the marriage occurred prior to the offender being sentenced to the state department of corrections or incarcerated in a city or county jail. <p>D. Unlawful sexual conduct with a person under the age of fifteen is a class 2 felony. Unlawful sexual conduct with a person between the ages of fifteen and seventeen is a class 3 felony. All other unlawful sexual conduct is a class 5 felony.</p>	<p>Unlawful sexual conduct with a person under the age of fifteen results in up to 5 years imprisonment for a first time offender (class 2 felony). Unlawful sexual conduct with a person between the ages of fifteen and seventeen could result in up to 3.5 years imprisonment for a first time offender (class 3 felony)</p>

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Arkansas	<p>Definitions ARK. CODE ANN. § 5-14-101 (2006).</p>	<p>As used in this chapter, unless the context otherwise requires:</p> <p>(1) "Deviate sexual activity" means any act of sexual gratification involving:</p> <p>(A) The penetration, however slight, of the anus or mouth of one person by the penis of another person;</p> <p>or</p> <p>(B) The penetration, however slight, of the labia majora or anus of one person by any body member or foreign instrument manipulated by another person;</p> <p>(2) "Forcible compulsion" means physical force or a threat, express or implied, of death or physical injury to or kidnapping of any person;</p> <p>(3) "Guardian" means a parent, stepparent, legal guardian, legal custodian, foster parent, or anyone who by virtue of a living arrangement is placed in an apparent position of power or authority over a minor.</p> <p>(4)(A) "Mentally defective" means that a person suffers from a mental disease or defect which renders the person:</p> <p>(i) Incapable of understanding the nature and consequences of sexual acts; or</p> <p>(ii) Unaware the sexual act is occurring.</p> <p>(B) A determination that a person is mentally defective shall not be based solely on the person's intelligence quotient;</p> <p>(5) "Mentally incapacitated" means that a person is temporarily incapable of appreciating or controlling the person's conduct as a result of the influence of a controlled or intoxicating substance:</p> <p>(A) Administered to the person without the person's consent; or</p> <p>(B) Which renders the person unaware the sexual act is occurring;</p> <p>(6) "Physically helpless" means that a person is:</p> <p>(A)(i) Unconscious; or</p> <p>(ii) Physically unable to communicate lack of consent; or</p> <p>(B) Rendered unaware the sexual act is occurring;</p> <p>(7) "Public place" means a publicly or privately owned place to which the public or substantial numbers of people have access;</p> <p>(8) "Public view" means observable or likely to be observed by a person in a public place;</p> <p>(9) "Sexual contact" means any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, buttocks, or anus of a person or the breast of a female; and</p> <p>(10) "Sexual intercourse" means penetration, however slight, of the labia majora by a penis.</p>	

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	Rape ARK. CODE ANN. § 5-14-103(a) (2006).	(a)(1) A person commits rape if he or she engages in sexual intercourse or deviate sexual activity with another person: (A) By forcible compulsion; or (B) Who is incapable of consent because he or she is physically helpless, mentally defective, or mentally incapacitated; or (C)(i) Who is less than fourteen (14) years of age. (ii) It is an affirmative defense to prosecution under subdivision (a)(1)(C)(i) of this section that the actor was not more than three (3) years older than the victim; or (D)(i) Who is less than eighteen (18) years of age, and the actor: (a) Is the victim's guardian; (b) Is the victim's uncle, aunt, grandparent, step-grandparent, or grandparent by adoption; (c) Is the victim's brother or sister of the whole or half blood or by adoption; or (d) Is the victim's nephew, niece, or first cousin. (ii) It is an affirmative defense to prosecution under subdivision (a)(1)(D)(i) of this section that the actor was not more than three (3) years older than the victim. (2) It is no defense to prosecution under subdivisions (a)(1)(C) or (D) of this section that the victim consented to the conduct. (3) Rape is a Class Y felony.	10 – 40 years or Life.
	Sexual Indecency with a Child ARK. CODE ANN. § 5-14-110(a) (2006).	A person commits sexual indecency with a child if: (1) Being eighteen (18) years of age or older, the person solicits another person who is less than fifteen (15) years of age or who is represented to be less than fifteen (15) years of age to engage in sexual intercourse, deviate sexual activity, or sexual contact; (2)(A) With the purpose to arouse or gratify the sexual desires of himself or herself or those of any other person, the person purposely exposes his or her sex organs to another person who is less than fifteen (15) years of age. (B) It is an affirmative defense to prosecution under subdivision (a)(2)(A) of this section if the person is within three (3) years of age of the victim; or (3) Being eighteen (18) years of age or older, the person causes or coerces another person who is less than fourteen (14) years of age to expose his or her sex organs or the breasts of a female with the purpose to arouse or gratify the sexual desires of himself, herself, or another person.	No more than 6 years
	1° Sexual Assault ARK. CODE ANN. § 5-14-124 (2006).	(a) A person commits sexual assault in the first degree if the person engages in sexual intercourse or deviate sexual activity with another person, not the person's spouse, who is less than eighteen (18) years of age and: (1)(A) The actor is employed with: (i) The Department of Correction; (ii) The Department of Community Correction; (iii) The Department of Human Services; (iv) Any city or county jail; or	6 – 30 Years

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		<ul style="list-style-type: none"> (v) A juvenile detention facility; and (B) The victim is in the custody of: <ul style="list-style-type: none"> (i)(a) The Department of Correction; (b) The Department of Community Correction; (c) The Department of Human Services; (d) Any city or county jail; or (e) A juvenile detention facility; or (ii) Their contractors or agents; (2) Is a professional under § 12-12-507(b) [this list includes any child care worker or foster care worker, an employee of the Department of Health and Human Services, an employee working under contract for the Division of Youth Services of the Department of Health and Human Services, any foster parent, a judge, a law enforcement official, a licensed nurse, any medical personnel who may be engaged in the admission, examination, care, or treatment of persons, a mental health professional, a peace officer, a physician, a prosecuting attorney, a school counselor, a school official, a social worker, a teacher, a court-appointed special advocate program staff member or volunteer, and a juvenile intake or probation officer] and is in a position of trust or authority over the victim and uses the position to engage in sexual intercourse or deviate sexual activity; or <ul style="list-style-type: none"> (3)(A) Is an employee in the victim's school or school district, a temporary caretaker, or a person in a position of trust or authority over the victim. (B) It is an affirmative defense to prosecution under subdivision (a)(3)(A) of this section that the actor was not more than three (3) years older than the victim. (b) It is no defense to prosecution under this section that the victim consented to the conduct. (c) Sexual assault in the first degree is a Class A felony. 	
	<p>2° Sexual Assault ARK. CODE ANN. § 5-14-125 (2006).</p>	<ul style="list-style-type: none"> (a) A person commits sexual assault in the second degree if the person: <ul style="list-style-type: none"> (1) Engages in sexual contact with another person by forcible compulsion; (2) Engages in sexual contact with another person who is incapable of consent because the person is physically helpless, mentally defective, or mentally incapacitated; (3) Being eighteen (18) years of age or older, engages in sexual contact with another person, not the person's spouse, who is less than fourteen (14) years of age; (4)(A) Engages in sexual contact with another person who is less than eighteen (18) years of age and the person: <ul style="list-style-type: none"> (i) Is employed with the Department of Correction, Department of Community Correction, any city or county jail, or any juvenile detention facility, and the minor is in custody at a facility operated by the agency or contractor employing the person; (ii) Is a professional under § 12-12-507(b) [this list includes any child care worker or foster care worker, an employee of the Department of Health and Human Services, an employee working under contract for the Division of Youth Services of the Department of Health and Human Services, any foster parent, a judge, a law enforcement official, a licensed nurse, any medical personnel who may be engaged in the admission, 	<p>5 – 20 years, Except less than 6 years if offender is under 18 years and the victim is under 14 years old.</p>

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		<p>examination, care, or treatment of persons, a mental health professional, a peace officer, a physician, a prosecuting attorney, a school counselor, a school official, a social worker, a teacher, a court-appointed special advocate program staff member or volunteer, and a juvenile intake or probation officer] and is in a position of trust or authority over the minor; or</p> <p>(iii) Is the minor's guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust or authority over the minor.</p> <p>(B) For purposes of subdivision (a)(4)(A) of this section, consent of the minor is not a defense to prosecution;</p> <p>(5)(A) Being less than eighteen (18) years of age, engages in sexual contact with a person, not his or her spouse, who is less than fourteen (14) years of age.</p> <p>(B)(i) It is an affirmative defense to prosecution under subdivision (a)(5)(A) of this section that the person was not more than three (3) years older than the victim if the victim is less than twelve (12) years of age.</p> <p>(ii) It is an affirmative defense to prosecution under subdivision (a)(5)(A) of this section that the person was not more than four (4) years older than the victim if the victim is twelve (12) years of age or older; or</p> <p>(6) Is a teacher in a public school in grades kindergarten through twelve (K-12) and engages in sexual contact with another person who is a student enrolled in the school and who is less than twenty-one (21) years of age.</p> <p>(b)(1) Sexual assault in the second degree is a Class B felony.</p> <p>(2) Sexual assault in the second degree is a Class D felony if committed by a person less than eighteen (18) years of age with a person, not the person's spouse, who is less than fourteen (14) years of age.</p>	
	<p>3° Sexual Assault ARK. CODE ANN. § 5-14-126(a), (b) (2006).</p>	<p>(1) A person commits sexual assault in the third degree if the person engages in sexual intercourse or deviate sexual activity with another person, not the person's spouse, and the person:</p> <p>(A) Is employed with the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail, and the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Health and Human Services, or any city or county jail; or</p> <p>(B) Is a professional under § 12-12-507(b) [this list includes any child care worker or foster care worker, an employee of the Department of Health and Human Services, an employee working under contract for the Division of Youth Services of the Department of Health and Human Services, any foster parent, a judge, a law enforcement official, a licensed nurse, any medical personnel who may be engaged in the admission, examination, care, or treatment of persons, a mental health professional, a peace officer, a physician, a prosecuting attorney, a school counselor, a school official, a social worker, a teacher, a court-appointed special advocate program staff member or volunteer, and a juvenile intake or probation officer] or a member of the clergy and is in a position of trust or authority over the victim and uses the position to engage in sexual intercourse or deviate sexual activity.</p> <p>(2)(A) A person commits sexual assault in the third degree if the person being under eighteen (18) years of age engages in sexual intercourse or deviate sexual activity with another person not the person's spouse who is less than fourteen (14) years of age.</p> <p>(B) It is an affirmative defense under subdivision (a)(2) of this section that the person was not more than three</p>	<p>3 – 10 years.</p>

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		(3) years older than the victim. (b) It is no defense to prosecution under this section that the victim consented to the conduct..	
	4° Sexual Assault ARK. CODE ANN. § 5-14-127 (2006).	(a) A person commits sexual assault in the fourth degree if, being twenty (20) years of age or older, the person engages in: (1) Sexual intercourse with another person, not the person's spouse, who is less than sixteen (16) years of age; or (2) Deviate sexual activity with another person, not the person's spouse, who is less than sixteen (16) years of age; or (3) The person engages in sexual contact with another person, not the person's spouse, who is less than sixteen (16) years of age. (b)(1) Sexual assault in the fourth degree under subdivisions (a)(1) and (2) of this section is a Class D felony. (2) Sexual assault in the fourth degree under subdivision (a)(3) of this section is a Class A misdemeanor if the person engages only in sexual contact with another person as described in subdivision (a)(3) of this section.	For (a)(1) or (2), up to 6 years; For (a)(3), less than 1 year.
California	Unlawful Sexual Intercourse Defined CAL. PENAL CODE §261.5(a) (2006).	Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.	N/A
	Unlawful sexual intercourse CAL. PENAL CODE 261.5(b) (2006).	Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator is guilty of a misdemeanor	Up to 1 year
	Unlawful sexual intercourse CAL. PENAL CODE 261.5(c) (2006).	Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony.	No more than 1 year
	Unlawful sexual intercourse CAL. PENAL CODE 261.5(d) (2006).	Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony.	1 – 4 years
	Lewd and	(a) Any person who willfully and lewdly commits any lewd or lascivious act, including any of the acts	Up to 8 years

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	<p>Lascivious Acts CAL. PENAL CODE §288 (2006).</p>	<p>constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>(b)(1) Any person who commits an act described in subdivision (a) by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>(2) Any person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>(c)(1) Any person who commits an act described in subdivision (a) with the intent described in that subdivision, and the victim is a child of 14 or 15 years, and that person is at least 10 years older than the child, is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year. In determining whether the person is at least 10 years older than the child, the difference in age shall be measured from the birth date of the person to the birth date of the child.</p> <p>(2) Any person who is a caretaker and commits an act described in subdivision (a) upon a dependent person, with the intent described in subdivision (a), is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year.</p> <p>(d) In any arrest or prosecution under this section or Section 288.5[Continuous Sexual Abuse of a Minor], the peace officer, district attorney, and the court shall consider the needs of the child victim or dependent person and shall do whatever is necessary, within existing budgetary resources, and constitutionally permissible to prevent psychological harm to the child victim or to prevent psychological harm to the dependent person victim resulting from participation in the court process.</p> <p>(e) Upon the conviction of any person for a violation of subdivision (a) or (b), the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed ten thousand dollars (\$10,000). In setting the amount of the fine, the court shall consider any relevant factors, including, but not limited to, the seriousness and gravity of the offense, the circumstances of its commission, whether the defendant derived any economic gain as a result of the crime, and the extent to which the victim suffered economic losses as a result of the crime. Every fine imposed and collected under this section shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs.</p> <p>If the court orders a fine imposed pursuant to this subdivision, the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.</p> <p>(f) For purposes of paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c), the following</p>	

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		<p>definitions apply:</p> <p>(1) "Caretaker" means an owner, operator, administrator, employee, independent contractor, agent, or volunteer of any of the following public or private facilities when the facilities provide care for elder or dependent persons:</p> <p>(A) Twenty-four hour health facilities, as defined in Sections 1250, 1250. 2, and 1250.3 of the Health and Safety Code.</p> <p>(B) Clinics.</p> <p>(C) Home health agencies.</p> <p>(D) Adult day health care centers.</p> <p>(E) Secondary schools that serve dependent persons and postsecondary educational institutions that serve dependent persons or elders.</p> <p>(F) Sheltered workshops.</p> <p>(G) Camps.</p> <p>(H) Community care facilities, as defined by, and residential care facilities for the elderly.</p> <p>(I) Respite care facilities.</p> <p>(J) Foster homes.</p> <p>(K) Regional centers for persons with developmental disabilities.</p> <p>(L) A home health agency.</p> <p>(M) An agency that supplies in-home supportive services.</p> <p>(N) Board and care facilities.</p> <p>(O) Any other protective or public assistance agency that provides health services or social services to elder or dependent persons, including, but not limited to, in-home supportive services.</p> <p>(P) Private residences.</p> <p>(2) "Board and care facilities" means licensed or unlicensed facilities that provide assistance with one or more of the following activities:</p> <p>(A) Bathing.</p> <p>(B) Dressing.</p> <p>(C) Grooming.</p> <p>(D) Medication storage.</p> <p>(E) Medical dispensation.</p> <p>(F) Money management.</p> <p>(3) "Dependent person" means any person who has a physical or mental impairment that substantially restricts his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have significantly diminished because of age. "Dependent person" includes any person who is admitted as an inpatient to a 24-hour health facility.</p> <p>(g) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) apply to the owners, operators, administrators, employees, independent contractors, agents, or volunteers working at these public or private</p>	

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	<p>Oral Copulation CAL. PENAL CODE § 288a (2006).</p>	<p>facilities and only to the extent that the individuals personally commit, conspire, aid, abet, or facilitate any act prohibited by paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c). (h) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) do not apply to a caretaker who is a spouse of, or who is in an equivalent domestic relationship with, the dependent person under care.</p> <p>(a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person. (b)(1) Except as provided in Section 288 [Lewd & Lascivious Acts], any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. (2) Except as provided in Section 288[Lewd & Lascivious Acts], any person over the age of 21 years who participates in an act of oral copulation with another person who is under 16 years of age is guilty of a felony. (c)(1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years. (2) Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years. (3) Any person who commits an act of oral copulation where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years. (d) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (1) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (2) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (3) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000 [dealing with mental health testing]) of Division 5 of the Welfare and Institutions Code) [dealing with mental health testing], the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent. (e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 [See Confined in Prison, below] or in any local detention facility as defined in Section 6031.4 [See Below], shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.</p>	<p>Up to 8 years</p>

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		<p>(f) Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:</p> <p>(1) Was unconscious or asleep.</p> <p>(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.</p> <p>(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.</p> <p>(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.</p> <p>(g) Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000 [dealing with mental health testing]) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.</p> <p>(h) Any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000 [dealing with mental health testing]) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.</p> <p>(i) Any person who commits an act of oral copulation, where the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.</p> <p>(j) Any person who commits an act of oral copulation, where the victim submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.</p>	

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		<p>(k) Any person who commits an act of oral copulation, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.</p> <p>As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.</p> <p>(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.</p> <p>(m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.</p>	
	<p>Local Detention Facility CAL. PENAL CODE § 6031.4 (2006).</p>	<p>(a) For the purpose of this title, "local detention facility" means any city, county, city and county, or regional facility used for the confinement for more than 24 hours of adults, or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors.</p> <p>(b) In addition to those provided for in subdivision (a), for the purposes of this title, "local detention facility" also includes any city, county, city and county, or regional facility, constructed on or after January 1, 1978, used for the confinement, regardless of the length of confinement, of adults or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors.</p> <p>(c) "Local detention facility" also includes any adult detention facility, exclusive of any facility operated by the California Department of Corrections or any facility holding inmates pursuant to Section 2910.5, Chapter 4 (commencing with Section 3410) of Title 2 of, Chapter 9.2 (commencing with Section 6220) of Title 7 of, Chapter 9.5 (commencing with Section 6250) of Title 7 of, or Chapter 9.6 (commencing with Section 6260) of Title 7 of, Part 3, that holds local prisoners under contract on behalf of cities, counties, or cities and counties. Nothing in this subdivision shall be construed as affecting or authorizing the establishment of private detention facilities.</p> <p>(d) For purposes of this title, a local detention facility does not include those rooms that are used for holding persons for interviews, interrogations, or investigations, and are either separate from a jail or located in the administrative area of a law enforcement facility.</p>	
	<p>Confined in Prison CAL. PENAL CODE § 4504 (2006).</p>	<p>(a) A person is deemed confined in a "state prison" if he is confined in any of the prisons and institutions specified in Section 5003 [(a) The California State Prison at San Quentin, (b) The California State Prison at Folsom, (c) The California Institution for Men, (d) The California Institution for Women, (e) The Deuel Vocational Institution, (f) The California Medical Facility, (g) The Correctional Training Facility, (h) The California Men's Colony, (i) The California Correctional Institution at Tehachapi, (j) The California Rehabilitation Center, (k) The California Correctional Center at Susanville, (l) The Sierra Correctional</p>	<p>N/A</p>

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		<p>Center, (m) The Richard J. Donovan Correctional Facility at Rock Mountain, (n) Mule Creek State Prison, (o) Northern California Women's Facility, (p) Pelican Bay State Prison, (q) Avenal State Prison, (r) California State Prison--King's County at Corcoran, (s) Chuckawalla Valley State Prison, (t) Those other institutions and prison facilities as the Department of Corrections or the Director of Corrections may be authorized by law to establish, including, but not limited to, prisons in Madera, Kern, Imperial, and Los Angeles Counties] by order made pursuant to law, including, but not limited to, commitments to the Department of Corrections or the Department of the Youth Authority, regardless of the purpose of such confinement and regardless of the validity of the order directing such confinement, until a judgment of a competent court setting aside such order becomes final.</p> <p>(b) A person is deemed "confined in" a prison although, at the time of the offense, he is temporarily outside its walls or bounds for the purpose of serving on a work detail or for the purpose of confinement in a local correctional institution pending trial or for any other purpose for which a prisoner may be allowed temporarily outside the walls or bounds of the prison, but a prisoner who has been released on parole is not deemed "confined in" a prison for purposes of this chapter.</p>	
	<p>Sodomy CAL. PENAL CODE § 286 (2006).</p>	<p>(a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.</p> <p>(b)(1) Except as provided in Section 288 [Lewd and Lascivious Acts], any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.</p> <p>(2) Except as provided in Section 288 [Lewd and Lascivious Acts], any person over the age of 21 years who participates in an act of sodomy with another person who is under 16 years of age shall be guilty of a felony.</p> <p>(c)(1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>(2) Any person who commits an act of sodomy when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>(3) Any person who commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>(d) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years.</p> <p>(e) Any person who participates in an act of sodomy with any person of any age while confined in any state</p>	<p>Up to 8 years</p>

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		<p>prison, as defined in Section 4504 [See Confined in Prison, above], or in any local detention facility, as defined in Section 6031.4 [See Local Detention Facility, above], shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.</p> <p>(f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:</p> <p>(1) Was unconscious or asleep.</p> <p>(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.</p> <p>(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.</p> <p>(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.</p> <p>(g) Except as provided in subdivision (h), a person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000[dealing with mental health testing]) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.</p> <p>(h) Any person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000[dealing with mental health testing]) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.</p> <p>(i) Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>(j) Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment</p>	

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		<p>practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>(k) Any person who commits an act of sodomy, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.</p> <p>(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.</p> <p>(m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section. The court, however, shall take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.</p>	
	<p>Aggravated Sexual Assault of a Child CAL. PENAL CODE § 269(a) (2006).</p>	<p>Any person who commits any of the following acts upon a child who is under 14 years of age and 10 or more years younger than the person is guilty of aggravated sexual assault of a child:</p> <p>(1) A violation of paragraph (2) of subdivision (a) of Section 261 [Unlawful Sexual Intercourse].</p> <p>(2) A violation of Section 264.1 [Rape, Acting in Concert With Others].</p> <p>(3) Sodomy, in violation of Section 286 [Sodomy], when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.</p> <p>(4) Oral copulation, when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.</p> <p>(5) A violation of subdivision (a) of Section 289 [Forcible Acts of Sexual Penetration].</p>	15 years - Life
Colorado	<p>Definitions COLO REV. STAT. § 18-3-401 (2005).</p>	<p>As used in this part 4, unless the context otherwise requires:</p> <p>(1) "Actor" means the person accused of a sexual offense pursuant to this part 4.</p> <p>(1.5) "Consent" means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent under the provisions of this part 4. Submission under the influence of fear shall not constitute consent. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent under this part 4.</p> <p>(1.7) "Diagnostic test" means a human immunodeficiency virus (HIV) screening test followed by a supplemental HIV test for confirmation in those instances when the HIV screening test is repeatedly reactive.</p> <p>(2) "Intimate parts" means the external genitalia or the perineum or the anus or the buttocks or the pubes or the breast of any person.</p> <p>(2.5) "Pattern of sexual abuse" means the commission of two or more incidents of sexual contact involving a child when such offenses are committed by an actor upon the same victim.</p> <p>(3) "Physically helpless" means unconscious, asleep, or otherwise unable to indicate willingness to act.</p>	N/A

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		<p>(3.5) One in a "position of trust" includes, but is not limited to, any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child, including a guardian or someone otherwise responsible for the general supervision of a child's welfare, or a person who is charged with any duty or responsibility for the health, education, welfare, or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief, at the time of an unlawful act.</p> <p>(4) "Sexual contact" means the knowing touching of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or the knowing touching of the clothing covering the immediate area of the victim's or actor's intimate parts if that sexual contact is for the purposes of sexual arousal, gratification, or abuse.</p> <p>(5) "Sexual intrusion" means any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue, or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification, or abuse.</p> <p>(6) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, analingus, or anal intercourse. Emission need not be proved as an element of any sexual penetration. Any penetration, however slight, is sufficient to complete the crime.</p> <p>(7) "Victim" means the person alleging to have been subjected to a criminal sexual assault.</p>	
	<p>Sexual Assault COLO REV. STAT. § 18-3-402 (2005).</p>	<p>(1) Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:</p> <p>(a) The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or</p> <p>(b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or</p> <p>(c) The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or</p> <p>(d) At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or</p> <p>(e) At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or</p> <p>(f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or</p> <p>(g) The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or</p> <p>(h) The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.</p> <p>(2) Sexual assault is a class 4 felony, except as provided in subsections (3), (3.5), (4), and (5) of this section.</p> <p>(3) If committed under the circumstances of paragraph (e) of subsection (1) of this section, sexual assault is a class 1 misdemeanor and is an extraordinary risk crime.</p>	<p>Class 2 felony: 8 – 24 years</p> <p>Class 3 felony: 4 – 12 years</p> <p>Class 4 felony: 2 -6 years</p> <p>Class 1 misdemeanor: 6 – 18 months</p>

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		<p>(3.5) Sexual assault is a class 3 felony if committed under the circumstances described in paragraph (h) of subsection (1) of this section.</p> <p>(4) Sexual assault is a class 3 felony if it is attended by any one or more of the following circumstances:</p> <p>(a) The actor causes submission of the victim through the actual application of physical force or physical violence; or</p> <p>(b) The actor causes submission of the victim by threat of imminent death, serious bodily injury, extreme pain, or kidnapping, to be inflicted on anyone, and the victim believes that the actor has the present ability to execute these threats; or</p> <p>(c) The actor causes submission of the victim by threatening to retaliate in the future against the victim, or any other person, and the victim reasonably believes that the actor will execute this threat. As used in this paragraph (c), "to retaliate" includes threats of kidnapping, death, serious bodily injury, or extreme pain; or</p> <p>(d) The actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission.</p> <p>(5)(a) Sexual assault is a class 2 felony if any one or more of the following circumstances exist: (I) In the commission of the sexual assault, the actor is physically aided or abetted by one or more other persons; or (II) The victim suffers serious bodily injury; or (III) The actor is armed with a deadly weapon or an article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon or represents verbally or otherwise that the actor is armed with a deadly weapon and uses the deadly weapon, article, or representation to cause submission of the victim.</p>	
	<p>Unlawful Sexual Contact COLO REV. STAT. § 18-3-404 (2005).</p>	<p>(1) Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if:</p> <p>(a) The actor knows that the victim does not consent; or</p> <p>(b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or</p> <p>(c) The victim is physically helpless and the actor knows that the victim is physically helpless and the victim has not consented; or</p> <p>(d) The actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission; or</p> <p>(e) Repealed by Laws 1990, H.B.90-1133, § 25, eff. July 1, 1990.</p> <p>(f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority, unless incident to a lawful search, to coerce the victim to submit; or (g) The actor engages in treatment or examination of a victim for other than bona fide medical purposes or in a manner substantially inconsistent with reasonable medical practices.</p> <p>(1.5) Any person who knowingly, with or without sexual contact, induces or coerces a child by any of the means set forth in section 18-3-402 [Sexual Assault, See Above] to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with another person, for the purpose of the actor's own sexual gratification, commits unlawful sexual contact. For the purposes of this subsection (1.5), the term "child" means any person under the age of eighteen years.</p>	<p>Class 4 felony: 2 -6 years Class 1 misdemeanor: 6 – 24 months</p>

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		<p>(1.7) Any person who knowingly observes or takes a photograph of another person's intimate parts without that person's consent, in a situation where the person observed has a reasonable expectation of privacy, for the purpose of the observer's own sexual gratification, commits unlawful sexual contact. For purposes of this subsection (1.7), "photograph" includes any photograph, motion picture, videotape, print, negative, slide, or other mechanically, electronically, or chemically reproduced visual material.</p> <p>(2)(a) Unlawful sexual contact is a class 1 misdemeanor and is an extraordinary risk crime.</p> <p>(b) Notwithstanding the provisions of paragraph (a) of this subsection (2), unlawful sexual contact is a class 4 felony if the actor compels the victim to submit by use of such force, intimidation, or threat as specified in section 18-3-402(4)(a), (4)(b), or (4)(c) [Sexual Assault, See Above] or if the actor engages in the conduct described in paragraph (g) of subsection (1) of this section or subsection (1.5) of this section.</p>	
	<p>Sexual Assault on a Child COLO REV. STAT. 18-3-405 (2005).</p>	<p>(1) Any actor who knowingly subjects another not his or her spouse to any sexual contact commits sexual assault on a child if the victim is less than fifteen years of age and the actor is at least four years older than the victim.</p> <p>(2) Sexual assault on a child is a class 4 felony, but it is a class 3 felony if:</p> <p>(a) The actor applies force against the victim in order to accomplish or facilitate sexual contact; or</p> <p>(b) The actor, in order to accomplish or facilitate sexual contact, threatens imminent death, serious bodily injury, extreme pain, or kidnapping against the victim or another person, and the victim believes that the actor has the present ability to execute the threat; or</p> <p>(c) The actor, in order to accomplish or facilitate sexual contact, threatens retaliation by causing in the future the death or serious bodily injury, extreme pain, or kidnapping against the victim or another person, and the victim believes that the actor will execute the threat; or</p> <p>(d) The actor commits the offense as a part of a pattern of sexual abuse as described in subsection (1) of this section. No specific date or time must be alleged for the pattern of sexual abuse; except that the acts constituting the pattern of sexual abuse must have been committed within ten years prior to or at any time after the offense charged in the information or indictment. The offense charged in the information or indictment shall constitute one of the incidents of sexual contact involving a child necessary to form a pattern of sexual abuse as defined in section 18-3-401(2.5) [Definitions, See Above].</p>	<p>Class 4 felony: 2 – 6 years. Class 3 felony: 4 – 12 years.</p>
	<p>Sexual Assault on Child by One In a Position of Trust COLO REV. STAT. § 18-3-405.3 (2005).</p>	<p>(1) Any actor who knowingly subjects another not his or her spouse to any sexual contact commits sexual assault on a child by one in a position of trust if the victim is a child less than eighteen years of age and the actor committing the offense is one in a position of trust with respect to the victim.</p> <p>(2) Sexual assault on a child by one in a position of trust is a class 3 felony if:</p> <p>(a) The victim is less than fifteen years of age; or</p> <p>(b) The actor commits the offense as a part of a pattern of sexual abuse as described in subsection (1) of this section. No specific date or time need be alleged for the pattern of sexual abuse; except that the acts constituting the pattern of sexual abuse must have been committed within ten years prior to or at any time after the offense charged in the information or indictment. The offense charged in the information or indictment shall constitute one of the incidents of sexual contact involving a child necessary to form a pattern of sexual abuse as defined in section 18-3-401(2.5) [Definitions, See Above]</p>	<p>Class 3 felony: 4 – 12 Class 4 felony: 2 – 6</p>

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		(3) Sexual assault on a child by one in a position of trust is a class 4 felony if the victim is fifteen years of age or older but less than eighteen years of age and the offense is not committed as part of a pattern of sexual abuse, as described in paragraph (b) of subsection (2) of this section.	
Connecticut	<p>Definitions CONN. GEN. STAT. § 53a-65 (2006).</p>	<p>As used in this part the following terms have the following meanings:</p> <p>(1) "Actor" means a person accused of sexual assault.</p> <p>(2) "Sexual intercourse" means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Its meaning is limited to persons not married to each other. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.</p> <p>(3) "Sexual contact" means any contact with the intimate parts of a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person.</p> <p>(4) "Mentally defective" means that a person suffers from a mental disease or defect which renders such person incapable of appraising the nature of such person's conduct.</p> <p>(5) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling such person's conduct owing to the influence of a drug or intoxicating substance administered to such person without such person's consent, or owing to any other act committed upon such person without such person's consent.</p> <p>(6) "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.</p> <p>(7) "Use of force" means: (A) Use of a dangerous instrument; or (B) use of actual physical force or violence or superior physical strength against the victim.</p> <p>(8) "Intimate parts" means the genital area, groin, anus, inner thighs, buttocks or breasts.</p> <p>(9) "Psychotherapist" means a physician, psychologist, nurse, substance abuse counselor, social worker, clergyman, marital and family therapist, mental health service provider or other person, whether or not licensed or certified by the state, who performs or purports to perform psychotherapy.</p> <p>(10) "Psychotherapy" means the professional treatment, assessment or counseling of a mental or emotional illness, symptom or condition.</p> <p>(11) "Emotionally dependent" means that the nature of the patient's or former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to know that the patient or former patient is unable to withhold consent to sexual contact by or sexual intercourse with the psychotherapist.</p> <p>(12) "Therapeutic deception" means a representation by a psychotherapist that sexual contact by or sexual intercourse with the psychotherapist is consistent with or part of the patient's treatment.</p> <p>(13) "School employee" means a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed</p>	N/A

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	<p>1° Sexual Assault CONN. GEN. STAT. § 53a-70 (2006).</p>	<p>by a local or regional board of education or a private elementary or secondary school or working in a public or private elementary or secondary school.</p> <p>(a) A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in section 53a-71 [2° Sexual Assault, see below] and in the commission of such offense is aided by two or more other persons actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.</p> <p>(b) (1) Except as provided in subdivision (2) of this subsection, sexual assault in the first degree is a class B felony for which two years of the sentence imposed may not be suspended or reduced by the court or, if the victim of the offense is under ten years of age, for which ten years of the sentence imposed may not be suspended or reduced by the court. (2) Sexual assault in the first degree is a class A felony if the offense is a violation of subdivision (1) of subsection (a) of this section and the victim of the offense is under sixteen years of age or the offense is a violation of subdivision (2) of subsection (a) of this section. Any person found guilty under said subdivision (1) or (2) shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court if the victim is under ten years of age or of which five years of the sentence imposed may not be suspended or reduced by the court if the victim is under sixteen years of age.</p> <p>(3) Any person found guilty under this section shall be sentenced to a term of imprisonment and a period of special parole which together constitute a sentence of at least ten years.</p>	<p>Class B felony: 1 – 20 years Class A felony: 10 – 25 years</p>
	<p>1° Aggravated Sexual Assault CONN. GEN. STAT. § 53a-70a (2006).</p>	<p>(a) A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70 [1° Sexual Assault, see above], and in the commission of such offense (1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim, (3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or (4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.</p> <p>(b) Aggravated sexual assault in the first degree is a class B felony or, if the victim of the offense is under sixteen years of age, a class A felony. Any person found guilty under this section shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court, except that, if such person committed sexual assault in the first degree by violating subdivision (1) of</p>	<p>Class B felony: 5 – 20 years Class A felony: 10 – 25 years</p>

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		<p>subsection (a) of section 53a-70 [1° Sexual Assault, see above], and the victim of the offense is under sixteen years of age, twenty years of the sentence imposed may not be suspended or reduced by the court. Any person found guilty under this section shall be sentenced to a period of special parole of at least five years.</p>	
	<p>2° Sexual Assault CONN. GEN. STAT. 53a-71 (2006).</p>	<p>(a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than two years older than such person; or (2) such other person is mentally defective to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age.</p> <p>(b) Sexual assault in the second degree is a class C felony or, if the victim of the offense is under sixteen years of age, a class B felony, and any person found guilty under this section shall be sentenced to a term of imprisonment of which nine months of the sentence imposed may not be suspended or reduced by the court.</p>	<p>Class B felony: 1 – 20 years Class C felony: 1- 10 years</p>
	<p>3° Sexual Assault CONN. GEN. STAT. § 53a-72a. (2006).</p>	<p>(a) A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21 [No man may marry his mother, grandmother, daughter, granddaughter, sister, aunt, niece, stepmother or stepdaughter, and no woman may marry her father, grandfather, son, grandson, brother, uncle, nephew, stepfather or stepson].</p> <p>(b) Sexual assault in the third degree is a class D felony or, if the victim of the offense is under sixteen years of age, a class C felony.</p>	<p>Class D felony: 1 – 5 years Class C felony: 1 – 10 years</p>

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	<p>3° Sexual Assault with a Firearm CONN. GEN. STAT. § 53a-72b (2006).</p>	<p>(a) A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in section 53a-72a [3° Sexual Assault], and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and sexual assault in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.</p> <p>(b) Sexual assault in the third degree with a firearm is a class C felony or, if the victim of the offense is under sixteen years of age, a class B felony, and any person found guilty under this section shall be sentenced to a term of imprisonment of which two years of the sentence imposed may not be suspended or reduced by the court and a period of special parole which together constitute a sentence of ten years.</p>	<p>Class C felony: 1 – 10 years Class B felony: 1 – 20 years</p>
	<p>4° Sexual Assault CONN. GEN. STAT. § 53a-73a (2006).</p>	<p>(a) A person is guilty of sexual assault in the fourth degree when: (1) Such person intentionally subjects another person to sexual contact who is (A) under fifteen years of age, or (B) mentally defective or mentally incapacitated to the extent that such other person is unable to consent to such sexual contact, or (C) physically helpless, or (D) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (E) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (8) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age.</p> <p>(b) Sexual assault in the fourth degree is a class A misdemeanor or, if the victim of the offense is under sixteen years of age, a class D felony.</p>	<p>Class A Misdemeanor: Less than 1 year Class D felony: 1 – 5 years</p>
Delaware	<p>2° Unlawful</p>	<p>A person is guilty of unlawful sexual contact in the second degree when the person intentionally has sexual contact with another person who is less than 16 years of age or causes the victim to have sexual contact with</p>	<p>Up to 2 years</p>

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	Sexual Contact DEL. CODE ANN. tit. 11, § 768 (2006).	the person or a third person. Unlawful sexual contact in the second degree is a class G felony.	
	1° Unlawful Sexual Contact DEL. CODE ANN. tit. 11§ 769 (2006).	A person is guilty of unlawful sexual contact in the first degree when, in the course of committing unlawful sexual contact in the third degree or in the course of committing unlawful sexual contact in the second degree, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury to the victim or the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument. Unlawful sexual contact in the first degree is a class F felony.	Up to 5 years
	4° Rape DEL. CODE ANN. tit. 11, § 770 (2006).	(a) A person is guilty of rape in the fourth degree when the person: (1) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached his or her sixteenth birthday; or (2) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached his or her eighteenth birthday, and the person is 30 years of age or older, except that such intercourse shall not be unlawful if the victim and person are married at the time of such intercourse; or (3) Intentionally engages in sexual penetration with another person under any of the following circumstances: a. The sexual penetration occurs without the victim's consent; or b. The victim has not reached his or her sixteenth birthday; or (4) Intentionally engages in sexual intercourse or sexual penetration with another person, and the victim has reached his or her sixteenth birthday but has not yet reached his or her eighteenth birthday and the defendant stands in a position of trust, authority or supervision over the child, or is an invitee or designee of a person who stands in a position of trust, authority or supervision over the child. (b) Subsections (a)(3) and (a)(4) of this section do not apply to a licensed medical doctor or nurse who places 1 or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment or to a law enforcement officer who is engaged in the lawful performance of his or her duties. Rape in the fourth degree is a class C felony.	Up to 15 years
	3° Rape DEL. CODE ANN. tit. 11, § 771 (2006).	(a) A person is guilty of rape in the third degree when the person: (1) Intentionally engages in sexual intercourse with another person, and the victim has not reached his or her sixteenth birthday and the person is at least 10 years older than the victim, or the victim has not yet reached his or her fourteenth birthday and the person has reached his or her nineteenth birthday and is not otherwise subject to prosecution pursuant to § 772 or § 773 [2° or 1° Rape, see below] of this title; or (2) Intentionally engages in sexual penetration with another person under any of the following circumstances: a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or b. The victim has not reached his or her sixteenth birthday and during the commission of the crime, or during	2 – 25 years

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		<p>the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim.</p> <p>(b) Subsection (a)(2) of this section does not apply to a licensed medical doctor or nurse who places 1 or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment, or to a law enforcement officer who is engaged in the lawful performance of his or her duties.</p> <p>(c) Notwithstanding any law to the contrary, in any case in which a violation of subsection (a) of this section has resulted in the birth of a child who is in the custody and care of the victim or the victim's legal guardian(s), the court shall order that the defendant, as a condition of any probation imposed pursuant to a conviction under this section, timely pay any child support ordered by the Family Court for such child.</p> <p>d) Nothing in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.</p> <p>Rape in the third degree is a class B felony.</p>	
	<p>2° Rape DEL. CODE ANN. tit. 11, § 772 (2006).</p>	<p>(a) A person is guilty of rape in the second degree when the person:</p> <p>(1) Intentionally engages in sexual intercourse with another person, and the intercourse occurs without the victim's consent; or</p> <p>(2) Intentionally engages in sexual penetration with another person under any of the following circumstances:</p> <p>a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or</p> <p>b. The sexual penetration occurs without the victim's consent, and was facilitated by or occurred during the course of the commission or attempted commission of:</p> <ol style="list-style-type: none"> 1. Any felony; or 2. Any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion or criminal trespass in the first, second or third degree; or <p>c. The victim has not yet reached his or her sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or</p> <p>d. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or</p> <p>e. The victim has not yet reached his or her sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or</p> <p>f. The sexual penetration occurs without the victim's consent, and a principal-accomplice relationship within the meaning set forth in § 271 of this title [discussing liability for</p>	<p>10 – 25 years</p>

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		<p>crimes of another, not covering the actions of law enforcement officers acting in the lawful performance of duty] existed between the defendant and another person or persons with respect to the commission of the crime; or</p> <p>g. The victim has not yet reached his or her twelfth birthday, and the defendant has reached his or her eighteenth birthday; or</p> <p>h. The victim has not yet reached his or her sixteenth birthday and the defendant stands in a position of trust, authority or supervision over the child, or is an invitee or designee of a person who stands in a position of trust, authority or supervision over the child.</p> <p>(b) Nothing in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.</p> <p>(c) Notwithstanding any provision of this title to the contrary, the minimum sentence for a person convicted of rape in the second degree in violation of this section shall be 10 years at Level V.</p> <p>Rape in the second degree is a class B felony.</p>	
	<p>1° Rape DEL. CODE ANN. tit. 11, § 773 (2006).</p>	<p>(a) A person is guilty of rape in the first degree when the person intentionally engages in sexual intercourse with another person and any of the following circumstances exist:</p> <p>(1) The sexual intercourse occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or</p> <p>(2) The sexual intercourse occurs without the victim's consent and it was facilitated by or occurred during the course of the commission or attempted commission of:</p> <p>a. Any felony; or</p> <p>b. Any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion; or criminal trespass in the first, second or third degree; or</p> <p>(3) In the course of the commission of rape in the second, third or fourth degree, or while in the immediate flight therefrom, the defendant displayed what appeared to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or</p> <p>(4) The sexual intercourse occurs without the victim's consent, and a principal-accomplice relationship within the meaning set forth in § 271 of this title [discussing liability for crimes of another, not covering the actions of law enforcement officers acting in the lawful performance of duty] existed between the defendant and another person or persons with respect to the commission of the crime; or</p> <p>(5) The victim has not yet reached his or her twelfth birthday, and the defendant has reached his or her eighteenth birthday; or</p> <p>(6) The victim has not yet reached his or her sixteenth birthday and the defendant stands in a position of trust, authority or supervision over the child, or is an invitee or designee of a person who stands in a position of trust, authority or supervision over the child.</p>	<p>15 years - Life, or Life if the victim is under 16 years old and offender inflicts serious physical injury</p>

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		<p>(b) Nothing contained in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.</p> <p>(c) Notwithstanding any law to the contrary, a person convicted of rape in the first degree shall be sentenced to life imprisonment without benefit of probation, parole or any other reduction if:</p> <p>(1) The victim had not yet reached his or her 16th birthday at the time of the offense and the person inflicts serious physical injury on the victim; or</p> <p>(2) The person intentionally causes serious and prolonged disfigurement to the victim permanently, or intentionally destroys, amputates or permanently disables a member or organ of the victim's body; or</p> <p>(3) The person is convicted of rape against 3 or more separate victims; or</p> <p>(4) The person has previously been convicted of unlawful sexual intercourse in the first degree, rape in the second degree or rape in the first degree, or any equivalent offense under the laws of this State, any other state or the United States.</p> <p>Rape in the first degree is a class A felony.</p>	
	<p>Dangerous Crime Against a Child DEL. CODE ANN. tit. 11, § 779 (2006).</p>	<p>(a) A "dangerous crime against a child" is defined as any criminal sexual conduct against a minor under the age of 14 years as defined in §§ 770-773 [1° - 4° Rape, see above] or §§ 1108-1112A [regarding child endangerment, child pornography, and criminal non-support] of this title. For purposes of this section only, and § 762(a) [regarding defense of 'mistake as to age'] of this title to the contrary notwithstanding, the defendant may use as an affirmative defense that the defendant believed that the victim of the crime was over the age of 16 years of age.</p> <p>(b) Except as otherwise provided in this title, a person who is at least 18 years of age, or who has been tried as an adult and who is convicted of a dangerous crime against a child as defined in subsection (a) of this section, shall be guilty of a class B felony.</p> <p>For a second offense under this section, the Court shall impose a mandatory sentence of life imprisonment.</p> <p>(c) A person sentence pursuant to this section shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the sentence imposed by the Court has been served.</p>	2 – 25 years
Florida	<p>Sexual Battery (including Definitions) FLA STAT. ANN. § 794.011 (2005).</p>	<p>(1) As used in this chapter:</p> <p>(a) "Consent" means intelligent, knowing, and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.</p> <p>(b) "Mentally defective" means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.</p> <p>(c) "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.</p> <p>(d) "Offender" means a person accused of a sexual offense in violation of a provision of this chapter.</p> <p>(e) "Physically helpless" means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.</p> <p>(f) "Retaliation" includes, but is not limited to, threats of future physical punishment, kidnapping, false</p>	Life, Up to 30 years, or up to 15 years

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		<p>imprisonment or forcible confinement, or extortion.</p> <p>(g) "Serious personal injury" means great bodily harm or pain, permanent disability, or permanent disfigurement.</p> <p>(h) "Sexual battery" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.</p> <p>(i) "Victim" means a person who has been the object of a sexual offense.</p> <p>(j) "Physically incapacitated" means bodily impaired or handicapped and substantially limited in ability to resist or flee.</p> <p>(2)(a) A person 18 years of age or older who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a capital felony.</p> <p>(b) A person less than 18 years of age who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a life felony.</p> <p>(3) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof uses or threatens to use a deadly weapon or uses actual physical force likely to cause serious personal injury commits a life felony.</p> <p>(4) A person who commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the following circumstances, commits a felony of the first degree:</p> <p>(a) When the victim is physically helpless to resist.</p> <p>(b) When the offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute the threat.</p> <p>(c) When the offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future.</p> <p>(d) When the offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance which mentally or physically incapacitates the victim.</p> <p>(e) When the victim is mentally defective and the offender has reason to believe this or has actual knowledge of this fact.</p> <p>(f) When the victim is physically incapacitated.</p> <p>(g) When the offender is a law enforcement officer, correctional officer, or correctional probation officer as defined by s. 943.10(1), (2), (3), (6), (7), (8), or (9)[Definitions – Law Enforcement, see below], who is certified under the provisions of s. 943.1395 [Certification for Employment or Appointment]or is an elected official exempt from such certification by virtue of s. 943.253 [providing exemption for elected officials], or any other person in a position of control or authority in a probation, community control, controlled release, detention, custodial, or similar setting, and such officer, official, or person is acting in such a manner as to lead the victim to reasonably believe that the offender is in a position of control or authority as an agent or employee of government.</p>	

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		<p>(5) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree.</p> <p>(6) The offense described in subsection (5) is included in any sexual battery offense charged under subsection (3) or subsection (4).</p> <p>(7) A person who is convicted of committing a sexual battery on or after October 1, 1992, is not eligible for basic gain-time. This subsection may be cited as the "Junny Rios-Martinez, Jr. Act of 1992."</p> <p>(8) Without regard to the willingness or consent of the victim, which is not a defense to prosecution under this subsection, a person who is in a position of familial or custodial authority to a person less than 18 years of age and who:</p> <p>(a) Solicits that person to engage in any act which would constitute sexual battery under paragraph (1)(h) commits a felony of the third degree.</p> <p>(b) Engages in any act with that person while the person is 12 years of age or older but less than 18 years of age which constitutes sexual battery under paragraph (1)(h) commits a felony of the first degree.</p> <p>(c) Engages in any act with that person while the person is less than 12 years of age which constitutes sexual battery under paragraph (1)(h), or in an attempt to commit sexual battery injures the sexual organs of such person commits a capital or life felony, punishable pursuant to subsection (2).</p> <p>(9) For prosecution under paragraph (4)(g), acquiescence to a person reasonably believed by the victim to be in a position of authority or control does not constitute consent, and it is not a defense that the perpetrator was not actually in a position of control or authority if the circumstances were such as to lead the victim to reasonably believe that the person was in such a position.</p> <p>(10) Any person who falsely accuses any person listed in paragraph (4)(g) or other person in a position of control or authority as an agent or employee of government of violating paragraph (4)(g) is guilty of a felony of the third degree.</p>	
	<p>Definitions [Law Enforcement] FLA STAT. ANN. § 943.10 (2005).</p>	<p>(1) "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.</p> <p>(2) "Correctional officer" means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel.</p> <p>(3) "Correctional probation officer" means a person who is employed full time by the state whose primary</p>	<p>N/A</p>

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		<p>responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.</p> <p>(6) "Part-time law enforcement officer" means any person employed or appointed less than full time, as defined by an employing agency, with or without compensation, who is vested with authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.</p> <p>(7) "Part-time correctional officer" means any person who is employed or appointed less than full time, as defined by the employing or appointing agency, with or without compensation, whose responsibilities include the supervision, protection, care, custody, and control of inmates within a correctional institution.</p> <p>(8) "Auxiliary law enforcement officer" means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time or part-time law enforcement officer, has the authority to arrest and perform law enforcement functions.</p> <p>(9) "Auxiliary correctional officer" means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility.</p>	
	<p>Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age FLA STAT. ANN. § 800.04 (2005).</p>	<p>(1) Definitions.--As used in this section: (a) "Sexual activity" means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose. (b) "Consent" means intelligent, knowing, and voluntary consent, and does not include submission by coercion. (c) "Coercion" means the use of exploitation, bribes, threats of force, or intimidation to gain cooperation or compliance. (d) "Victim" means a person upon whom an offense described in this section was committed or attempted or a person who has reported a violation of this section to a law enforcement officer. (2) Prohibited defenses.--Neither the victim's lack of chastity nor the victim's consent is a defense to the crimes proscribed by this section. (3) Ignorance or belief of victim's age.--The perpetrator's ignorance of the victim's age, the victim's misrepresentation of his or her age, or the perpetrator's bona fide belief of the victim's age cannot be raised as a defense in a prosecution under this section. (4) Lewd or lascivious battery.--A person who: (a) Engages in sexual activity with a person 12 years of age or older but less than 16 years of age; or</p>	<p>Life Felony: Up to Life Second Degree felony: up to 15 years Third Degree Felony up to 5 years</p>

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		<p>(b) Encourages, forces, or entices any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity commits lewd or lascivious battery, a felony of the second degree</p> <p>(5) Lewd or lascivious molestation.--</p> <p>(a) A person who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or entices a person under 16 years of age to so touch the perpetrator, commits lewd or lascivious molestation.</p> <p>(b) An offender 18 years of age or older who commits lewd or lascivious molestation against a victim less than 12 years of age commits a life felony.</p> <p>(c)1. An offender less than 18 years of age who commits lewd or lascivious molestation against a victim less than 12 years of age; or</p> <p>2. An offender 18 years of age or older who commits lewd or lascivious molestation against a victim 12 years of age or older but less than 16 years of age commits a felony of the second degree</p> <p>(d) An offender less than 18 years of age who commits lewd or lascivious molestation against a victim 12 years of age or older but less than 16 years of age commits a felony of the third degree</p> <p>(6) Lewd or lascivious conduct.--</p> <p>(a) A person who:</p> <p>1. Intentionally touches a person under 16 years of age in a lewd or lascivious manner; or</p> <p>2. Solicits a person under 16 years of age to commit a lewd or lascivious act commits lewd or lascivious conduct.</p> <p>(b) An offender 18 years of age or older who commits lewd or lascivious conduct commits a felony of the second degree.</p> <p>(c) An offender less than 18 years of age who commits lewd or lascivious conduct commits a felony of the third degree.</p> <p>(7) Lewd or lascivious exhibition.--</p> <p>(a) A person who:</p> <p>1. Intentionally masturbates;</p> <p>2. Intentionally exposes the genitals in a lewd or lascivious manner; or</p> <p>3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a victim who is less than 16 years of age, commits lewd or lascivious exhibition.</p> <p>(b) A person who:</p> <p>1. Intentionally masturbates;</p> <p>2. Intentionally exposes the genitals in a lewd or lascivious manner; or</p> <p>3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity live over a computer on-line service, Internet service, or local bulletin board service</p>	

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		<p>and who knows or should know or has reason to believe that the transmission is viewed on a computer or television monitor by a victim in this state who is less than 16 years of age, commits lewd or lascivious exhibition. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense under this paragraph shall not constitute a defense to a prosecution under this paragraph.</p> <p>(c) An offender 18 years of age or older who commits a lewd or lascivious exhibition commits a felony of the second degree</p> <p>(d) An offender less than 18 years of age who commits a lewd or lascivious exhibition commits a felony of the third degree</p> <p>(8) Exception.--A mother's breastfeeding of her baby does not under any circumstance constitute a violation of this section.</p>	
	<p>Unlawful sexual activity with certain minors FLA STAT. ANN. § 794.05 (2005).</p>	<p>(1) A person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second degree. As used in this section, "sexual activity" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another; however, sexual activity does not include an act done for a bona fide medical purpose.</p> <p>(2) The provisions of this section do not apply to a person 16 or 17 years of age who has had the disabilities of nonage removed.</p> <p>(3) The victim's prior sexual conduct is not a relevant issue in a prosecution under this section.</p> <p>(4) If an offense under this section directly results in the victim giving birth to a child, paternity of that child shall be established as described in chapter 742. If it is determined that the offender is the father of the child, the offender must pay child support pursuant to the child support guidelines described in chapter 61.</p>	<p>Second degree felony: Up to 15 years</p>
Georgia	<p>Rape GA. CODE ANN. § 16-6-1 (2006).</p>	<p>(a) A person commits the offense of rape when he has carnal knowledge of:</p> <p>(1) A female forcibly and against her will; or</p> <p>(2) A female who is less than ten years of age.</p> <p>Carnal knowledge in rape occurs when there is any penetration of the female sex organ by the male sex organ. The fact that the person allegedly raped is the wife of the defendant shall not be a defense to a charge of rape.</p> <p>(b) A person convicted of the offense of rape shall be punished by death, by imprisonment for life without parole, by imprisonment for life, or by imprisonment for not less than ten nor more than 20 years.</p> <p>(c) When evidence relating to an allegation of rape is collected in the course of a medical examination of the person who is the victim of the alleged crime, the law enforcement agency investigating the alleged crime shall be responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence.</p>	<p>Death, life imprisonment, or by 10-20 years</p>
	<p>Sodomy; Aggravated Sodomy GA. CODE ANN. § 16-6-2 (2006).</p>	<p>(a) A person commits the offense of sodomy when he or she performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another. A person commits the offense of aggravated sodomy when he or she commits sodomy with force and against the will of the other person or when he or she commits sodomy with a person who is less than ten years of age. The fact that the person allegedly sodomized is the spouse of a defendant shall not be a defense to a charge of aggravated sodomy.</p> <p>(b) A person convicted of the offense of sodomy shall be punished by imprisonment for not less than one nor</p>	<p>1 – 20 years; Life, or 10 – 30 years</p>

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		<p>more than 20 years. A person convicted of the offense of aggravated sodomy shall be punished by imprisonment for life or by imprisonment for not less than ten nor more than 30 years.</p> <p>(c) When evidence relating to an allegation of aggravated sodomy is collected in the course of a medical examination of the person who is the victim of the alleged crime, the law enforcement agency investigating the alleged crime shall be financially responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence.</p>	
	<p>Statutory Rape GA. CODE ANN. § 16-6-3 (2006).</p>	<p>(a) A person commits the offense of statutory rape when he or she engages in sexual intercourse with any person under the age of 16 years and not his or her spouse, provided that no conviction shall be had for this offense on the unsupported testimony of the victim.</p> <p>(b) A person convicted of the offense of statutory rape shall be punished by imprisonment for not less than one nor more than 20 years; provided, however, that if the person so convicted is 21 years of age or older, such person shall be punished by imprisonment for not less than ten nor more than 20 years; provided, further, that if the victim is 14 or 15 years of age and the person so convicted is no more than three years older than the victim, such person shall be guilty of a misdemeanor.</p>	<p>1 – 20 years if offender under 21 years old. 10 – 20 years if offender is over 21 years old, unless victim is 14 or 15 years old and offender is no more than 3 years older than the victim, then up to 1 year.</p>
	<p>Child Molestation; Aggravated Child Molestation GA. CODE ANN. § 16-6-4 (2006).</p>	<p>(a) A person commits the offense of child molestation when he or she does any immoral or indecent act to or in the presence of or with any child under the age of 16 years with the intent to arouse or satisfy the sexual desires of either the child or the person.</p> <p>(b) A person convicted of a first offense of child molestation shall be punished by imprisonment for not less than five nor more than 20 years. Upon such first conviction of the offense of child molestation, the judge may probate the sentence; and such probation may be upon the special condition that the defendant undergo a mandatory period of counseling administered by a licensed psychiatrist or a licensed psychologist. However, if the judge finds that such probation should not be imposed, he or she shall sentence the defendant to imprisonment; provided, further, that upon a defendant's being incarcerated on a conviction for such first offense, the Department of Corrections shall provide counseling to such defendant. Upon a second or subsequent conviction of an offense of child molestation, the defendant shall be punished by imprisonment for not less than ten years nor more than 30 years or by imprisonment for life; provided, however, that prior to trial, a defendant shall be given notice, in writing, that the state intends to seek a punishment of life imprisonment. Adjudication of guilt or imposition of sentence for a conviction of a second or subsequent offense of child molestation, including a plea of nolo contendere, shall not be suspended, probated, deferred, or withheld.</p> <p>(c) A person commits the offense of aggravated child molestation when such person commits an offense of</p>	<p>Child Molestation: 5 – 20 years. Aggravated Child Molestation: 10 – 30 years</p>

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		<p>child molestation which act physically injures the child or involves an act of sodomy.</p> <p>(d)(1) A person convicted of the offense of aggravated child molestation shall be punished by imprisonment for not less than ten nor more than 30 years.</p> <p>(2) The court sentencing a person who has been convicted of a first offense of aggravated child molestation when the victim is 16 years of age or younger at the time of the offense is authorized to require, before sentencing, that the defendant undergo a psychiatric evaluation to ascertain whether or not medroxyprogesterone acetate chemical treatment or its equivalent would be effective in changing the defendant's behavior. If it is determined by a qualified mental health professional that such treatment would be effective, the court may require, as a condition of probation and upon provisions arranged between the court and the defendant, the defendant to undergo medroxyprogesterone acetate treatment or its chemical equivalent which must be coupled with treatment by a qualified mental health professional. In case of a person sentenced to probation who is required to undergo such treatment or its chemical equivalent and is in the custody of a law enforcement agency or confined in a jail at the time of sentencing, when he or she becomes eligible for probation, such person shall begin medroxyprogesterone acetate treatment and counseling prior to his or her release from custody or confinement. A person sentenced to probation who is required to undergo such treatment and who is not in the custody of a law enforcement agency or confined in a jail at the time of sentencing shall be taken into custody or confined until treatment can begin. Additional treatment may continue after such defendant's release from custody or confinement until the defendant demonstrates to the court that such treatment is no longer necessary. No such treatment shall be administered until such person has been fully informed of the side effects of hormonal chemical treatment and has consented to the treatment in writing.</p> <p>(3) Any physician or qualified mental health professional who acts in good faith in compliance with the provisions of this Code section in the administration of treatment or provision of counseling provided for in this Code section shall be immune from civil or criminal liability for his or her actions in connection with such treatment or counseling.</p>	
Hawaii	<p>1° Sexual Assault HAW. REV. STAT. ANN. § 707-730 (2006)</p> <p>3° Sexual</p>	<p>(1) A person commits the offense of sexual assault in the first degree if:</p> <p>(a) The person knowingly subjects another person to an act of sexual penetration by strong compulsion;</p> <p>(b) The person knowingly engages in sexual penetration with another person who is less than fourteen years old; or</p> <p>(c) The person knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that:</p> <p>(i) The person is not less than five years older than the minor; and</p> <p>(ii) The person is not legally married to the minor.</p> <p>Paragraphs (b) and (c) shall not be construed to prohibit practitioners licensed under chapter 453 [Medicine & Surgery], 455[Naturopathy], or 460[Osteopathy], from performing any act within their respective practices.</p> <p>(2) Sexual assault in the first degree is a class A felony.</p> <p>(1) A person commits the offense of sexual assault in the third degree if:</p>	<p>Up to 20 years</p> <p>Up to 5 years</p>

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	<p>Assault HAW. REV. STAT. ANN. § 707-732 (2006).</p>	<p>(a) The person recklessly subjects another person to an act of sexual penetration by compulsion; (b) The person knowingly subjects to sexual contact another person who is less than fourteen years old or causes such a person to have sexual contact with the person; (c) The person knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes the minor to have sexual contact with the person; provided that: (i) The person is not less than five years older than the minor; and (ii) The person is not legally married to the minor; (d) The person knowingly subjects to sexual contact another person who is mentally defective, mentally incapacitated, or physically helpless, or causes such a person to have sexual contact with the actor; (e) The person, while employed: (i) In a state correctional facility; (ii) By a private company providing services at a correctional facility; (iii) By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute; (iv) By a private correctional facility operating in the State of Hawaii; or (v) As a law enforcement officer as defined in section 710-1000(13) ["Law enforcement officer" means any public servant, whether employed by the State or subdivisions thereof or by the United States, vested by law with a duty to maintain public order or, to make arrests for offenses or to enforce the criminal laws, whether that duty extends to all offenses or is limited to a specific class of offenses], knowingly subjects to sexual contact an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawaii, or a person in custody, or causes the person to have sexual contact with the actor; or (f) The person knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor. Paragraphs (b), (c), (d), and (e) shall not be construed to prohibit practitioners licensed under 453 [Medicine & Surgery], 455[Naturopathy], or 460[Osteopathy], from performing any act within their respective practices; provided further that paragraph (e)(v) shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or an exception to the warrant clause. (2) Sexual assault in the third degree is a class C felony.</p>	
<p>Idaho</p>	<p>Rape IDAHO CODE ANN. § 18-6101 (2006).</p>	<p>Rape is defined as the penetration, however slight, of the oral, anal or vaginal opening with the perpetrator's penis accomplished with a female under any one (1) of the following circumstances: 1. Where the female is under the age of eighteen (18) years. 2. Where she is incapable, through any unsoundness of mind, due to any cause including, but not limited to, mental illness, mental deficiency or developmental disability, whether temporary or permanent, of giving legal consent. 3. Where she resists but her resistance is overcome by force or violence. 4. Where she is prevented from resistance by the infliction, attempted infliction, or threatened infliction of bodily harm, accompanied by apparent power of execution; or is unable to resist due to any intoxicating,</p>	<p>1 year to Life</p>

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		<p>narcotic, or anesthetic substance.</p> <p>5. Where she is at the time unconscious of the nature of the act. As used in this section, "unconscious of the nature of the act" means incapable of resisting because the victim meets one (1) of the following conditions:</p> <p>(a) Was unconscious or asleep;</p> <p>(b) Was not aware, knowing, perceiving, or cognizant that the act occurred.</p> <p>6. Where she submits under the belief that the person committing the act is her husband, and the belief is induced by artifice, pretense or concealment practiced by the accused, with intent to induce such belief.</p> <p>7. Where she submits under the belief, instilled by the actor, that if she does not submit, the actor will cause physical harm to some person in the future; or cause damage to property; or engage in other conduct constituting a crime; or accuse any person of a crime or cause criminal charges to be instituted against her; or expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule.</p>	
Illinois	<p>Definitions 720 ILL. COMP. STAT. ANN. 5/12-12 (2005).</p>	<p>For the purposes of Sections 12-13 through 12-18 of this Code, the terms used in these Sections shall have the following meanings ascribed to them:</p> <p>(a) "Accused" means a person accused of an offense prohibited by Sections 12-13, 12-14, 12-15 or 12-16 of this Code or a person for whose conduct the accused is legally responsible under Article 5 of this Code.</p> <p>(b) "Bodily harm" means physical harm, and includes, but is not limited to, sexually transmitted disease, pregnancy and impotence.</p> <p>(c) "Family member" means a parent, grandparent, or child, whether by whole blood, half-blood or adoption and includes a step-grandparent, step-parent or step-child. "Family member" also means, where the victim is a child under 18 years of age, an accused who has resided in the household with such child continuously for at least one year.</p> <p>(d) "Force or threat of force" means the use of force or violence, or the threat of force or violence, including but not limited to the following situations:</p> <p>(1) when the accused threatens to use force or violence on the victim or on any other person, and the victim under the circumstances reasonably believed that the accused had the ability to execute that threat; or</p> <p>(2) when the accused has overcome the victim by use of superior strength or size, physical restraint or physical confinement.</p> <p>(e) "Sexual conduct" means any intentional or knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused.</p> <p>(f) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not</p>	

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		<p>limited to cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.</p> <p>(g) "Victim" means a person alleging to have been subjected to an offense prohibited by Sections 12-13, 12-14, 12-15 or 12-16 of this Code.</p>	
	<p>Permitting sexual abuse of a child 720 ILL. COMP. STAT. ANN. 150/5.1 (2005).</p>	<p>Sec. 5.1. Permitting sexual abuse of a child. (a) A person responsible for a child's welfare commits the offense of permitting sexual abuse of a child if he or she has actual knowledge of and permits an act of sexual abuse upon the child, or permits the child to engage in prostitution as defined in Section 11-14 of the Criminal Code of 1961 [720 ILCS 5/11-14].</p> <p>(b) In this Section: "Child" means a minor under the age of 17 years. "Person responsible for the child's welfare" means the child's parent, step-parent, legal guardian, or other person having custody of a child, who is responsible for the child's care at the time of the alleged sexual abuse. "Sexual abuse" includes criminal sexual abuse or criminal sexual assault as defined in Section 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 720 ILCS 5/12-14, 720 ILCS 5/12-14.1, 720 ILCS 5/12-15, or 720 ILCS 5/12-16]. "Prostitution" means prostitution as defined in Section 11-14 of the Criminal Code of 1961 [720 ILCS 5/11-14]. "Actual knowledge" includes credible allegations made by the child.</p> <p>(c) This Section does not apply to a person responsible for the child's welfare who, having reason to believe that sexual abuse has occurred, makes timely and reasonable efforts to stop the sexual abuse by reporting the sexual abuse in conformance with the Abused and Neglected Child Reporting Act [325 ILCS 5/1 et seq.] or by reporting the sexual abuse, or causing a report to be made, to medical or law enforcement authorities or anyone who is a mandated reporter under Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/4].</p> <p>(d) Whenever a law enforcement officer has reason to believe that the child or the person responsible for the child's welfare has been abused by a family or household member as defined by the Illinois Domestic Violence Act of 1986 [750 ILCS 60/101 et seq.], the officer shall immediately use all reasonable means to prevent further abuse under Section 112A-30 of the Code of Criminal Procedure of 1963 [725 ILCS 5/112A-30].</p> <p>(e) An order of protection under Section 111-8 of the Code of Criminal Procedure of 1963 [725 ILCS 5/111-8] shall be sought in all cases where there is reason to believe that a child has been sexually abused by a family or household member. In considering appropriate available remedies, it shall be presumed that awarding physical care or custody to the abuser is not in the child's best interest.</p> <p>(f) A person may not be charged with the offense of permitting sexual abuse of a child under this Section until the person who committed the offense is charged with criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, or prostitution.</p>	<p>4-15 years (class 1 felony)</p>

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		<p>(g) A person convicted of permitting the sexual abuse of a child is guilty of a Class 1 felony. As a condition of any sentence of supervision, probation, conditional discharge, or mandatory supervised release, any person convicted under this Section shall be ordered to undergo child sexual abuse, domestic violence, or other appropriate counseling for a specified duration with a qualified social or mental health worker.</p> <p>(h) It is an affirmative defense to a charge of permitting sexual abuse of a child under this Section that the person responsible for the child's welfare had a reasonable apprehension that timely action to stop the abuse or prostitution would result in the imminent infliction of death, great bodily harm, permanent disfigurement, or permanent disability to that person or another in retaliation for reporting.</p>	
	<p>Indecent Solicitation of a Child 720 ILL. COMP. STAT. ANN. 5/11-6 (2005).</p>	<p>(a) A person of the age of 17 years and upwards commits the offense of indecent solicitation of a child if the person, with the intent that the offense of aggravated criminal sexual assault, criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse be committed, knowingly solicits a child or one whom he or she believes to be a child to perform an act of sexual penetration or sexual conduct as defined in Section 12-12 of this Code.</p> <p>(b) Definitions. As used in this Section: "Solicit" means to command, authorize, urge, incite, request, or advise another to perform an act by any means including, but not limited to, in person, over the phone, in writing, by computer, or by advertisement of any kind. "Child" means a person under 17 years of age.</p> <p>(c) Sentence. Indecent solicitation of a child is: (1) a Class 1 felony when the act, if done, would be predatory criminal sexual assault of a child or aggravated criminal sexual assault; (2) a Class 2 felony when the act, if done, would be criminal sexual assault; (3) a Class 3 felony when the act, if done, would be aggravated criminal sexual abuse.</p>	<p>Class 1: 4-15 years Class 2: 3-7 Class 3: 2-5</p>
	<p>Sexual exploitation of a child 720 ILL. COMP. STAT. ANN. 5/11-9.1 (2005).</p>	<p>(a) Any person commits sexual exploitation of a child if in the presence of a child and with intent or knowledge that a child would view his or her acts, that person: (1) engages in a sexual act; or (2) exposes his or her sex organs, anus or breast for the purpose of sexual arousal or gratification of such person or the child.</p> <p>(a-5) A person commits sexual exploitation of a child who knowingly entices, coerces, or persuades a child to remove the child's clothing for the purpose of sexual arousal or gratification of the person or the child, or both.</p> <p>(b) Definitions. As used in this Section: "Sexual act" means masturbation, sexual conduct or sexual penetration as defined in Section 12-12 of this Code. "Sex offense" means any violation of Article 11 of this Code or a violation of Section 12-13, 12-14, 12-14.1, 12-15, 12-16, or 12-16.2 of this Code. "Child" means a person under 17 years of age.</p> <p>(c) Sentence.</p>	<p>Class A Misdemeanor: Up to 1 year Class 4 Felony: 1 – 3 years.</p>

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		<p>(1) Sexual exploitation of a child is a Class A misdemeanor. A second or subsequent violation of this Section or a substantially similar law of another state is a Class 4 felony.</p> <p>(2) Sexual exploitation of a child is a Class 4 felony if the person has been previously convicted of a sex offense.</p> <p>(3) Sexual exploitation of a child is a Class 4 felony if the victim was under 13 years of age at the time of the commission of the offense.</p>	
	<p>Criminal Sexual Assault 720 ILL. COMP. STAT. ANN. 5/12-13 (2005).</p>	<p>(a) The accused commits criminal sexual assault if he or she:</p> <p>(1) commits an act of sexual penetration by the use of force or threat of force; or</p> <p>(2) commits an act of sexual penetration and the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent; or</p> <p>(3) commits an act of sexual penetration with a victim who was under 18 years of age when the act was committed and the accused was a family member; or</p> <p>(4) commits an act of sexual penetration with a victim who was at least 13 years of age but under 18 years of age when the act was committed and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim.</p> <p>(b) Sentence.</p> <p>(1) Criminal sexual assault is a Class 1 felony.</p> <p>(2) A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of criminal sexual assault, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 30 years and not more than 60 years. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.</p> <p>(3) A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of aggravated criminal sexual assault or the offense of criminal predatory sexual assault shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (3) to apply.</p> <p>(4) A second or subsequent conviction for a violation of paragraph (a)(3) or (a)(4) or under any similar statute of this State or any other state for any offense involving criminal sexual assault that is substantially equivalent to or more serious than the sexual assault prohibited under paragraph (a)(3) or (a)(4) is a Class X felony.</p>	<p>4 – 15 years</p>

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		<p>(5) When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a Class X felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.</p>	
	<p>Aggravated Criminal Sexual Assault 720 ILL. COMP. STAT. ANN. 5/12-14 (2005).</p>	<p>(a) The accused commits aggravated criminal sexual assault if he or she commits criminal sexual assault and any of the following aggravating circumstances existed during, or for the purposes of paragraph (7) of this subsection (a) as part of the same course of conduct as, the commission of the offense:</p> <ul style="list-style-type: none"> (1) the accused displayed, threatened to use, or used a dangerous weapon, other than a firearm, or any object fashioned or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; or (2) the accused caused bodily harm, except as provided in subsection (a)(10), to the victim; or (3) the accused acted in such a manner as to threaten or endanger the life of the victim or any other person; or (4) the criminal sexual assault was perpetrated during the course of the commission or attempted commission of any other felony by the accused; or (5) the victim was 60 years of age or over when the offense was committed; or (6) the victim was a physically handicapped person; or (7) the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance; or (8) the accused was armed with a firearm; or (9) the accused personally discharged a firearm during the commission of the offense; or (10) the accused, during the commission of the offense, personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person. <p>(b) The accused commits aggravated criminal sexual assault if the accused was under 17 years of age and (i) commits an act of sexual penetration with a victim who was under 9 years of age when the act was committed; or (ii) commits an act of sexual penetration with a victim who was at least 9 years of age but under 13 years of age when the act was committed and the accused used force or threat of force to commit the act.</p> <p>(c) The accused commits aggravated criminal sexual assault if he or she commits an act of sexual penetration with a victim who was a severely or profoundly mentally retarded person at the time the act was committed.</p> <p>(d) Sentence.</p> <p>(1) Aggravated criminal sexual assault in violation of paragraph (2), (3), (4), (5), (6), or (7) of subsection (a) or in violation of subsection (b) or (c) is a Class X felony. A violation of subsection (a)(1) is a Class X felony for which 10 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(8) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(9) is a Class X felony for which 20 years shall be added to the term</p>	<p>Where the victim is a child, 4 – 15 years (Class X felony penalty)</p>

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		<p>of imprisonment imposed by the court. A violation of subsection (a)(10) is a Class X felony for which 25 years or up to a term of natural life imprisonment shall be added to the term of imprisonment imposed by the court.</p> <p>(2) A person who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.</p>	
	<p>Criminal Sexual Abuse 720 ILL. COMP. STAT. ANN. 5/12-15 (2005).</p>	<p>(a) The accused commits criminal sexual abuse if he or she: (1) commits an act of sexual conduct by the use of force or threat of force; or (2) commits an act of sexual conduct and the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent.</p> <p>(b) The accused commits criminal sexual abuse if the accused was under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who was at least 9 years of age but under 17 years of age when the act was committed.</p> <p>(c) The accused commits criminal sexual abuse if he or she commits an act of sexual penetration or sexual conduct with a victim who was at least 13 years of age but under 17 years of age and the accused was less than 5 years older than the victim.</p> <p>(d) Sentence. Criminal sexual abuse for a violation of subsection (b) or (c) of this Section is a Class A misdemeanor. Criminal sexual abuse for a violation of paragraph (1) or (2) of subsection (a) of this Section is a Class 4 felony. A second or subsequent conviction for a violation of subsection (a) of this Section is a Class 2 felony. For purposes of this Section it is a second or subsequent conviction if the accused has at any time been convicted under this Section or under any similar statute of this State or any other state for any offense involving sexual abuse or sexual assault that is substantially equivalent to or more serious than the sexual abuse prohibited under this Section.</p>	<p>Class A Misdemeanor: Up to 1 year Class 4 Felony: 1 – 3 years</p>
	<p>Aggravated Criminal Sexual Abuse 720 ILL. COMP. STAT. ANN. 5/12-16 (2005).</p>	<p>1) Offender being over 17 years old, commits an act of sexual conduct with a victim under 13 years old, or where victim at least 13 years old but under 17 years old and offender used force or threat of force, or</p> <p>2) Offender under 17 years old and committed an act of sexual conduct with victim under 9 years old or when victim at least 9 years old but under 17 years old and offender used force or threat of force, or</p> <p>3) Commits an act of sexual penetration or sexual conduct with victim who was at least 13 years old but under 17 years old and accused was at least 5 years older than victim, or</p> <p>4) Commits an act of sexual conduct with a victim who was at least 13 years old but under 18 years old, and offender was 17 years old or older and in a position of trust, authority, or supervision in relation to the victim.</p>	<p>3 – 7 years</p>

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State	Offense	Offenses	Penalty
Indiana	Child Molesting IND. CODE ANN. § 35-42-4-3 (2006).	<p>(a) A person who, with a child under fourteen (14) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits child molesting, a Class B felony. However, the offense is a Class A felony if:</p> <ol style="list-style-type: none"> (1) it is committed by a person at least twenty-one (21) years of age; (2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon; (3) it results in serious bodily injury; or (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge. <p>(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a Class C felony. However, the offense is a Class A felony if:</p> <ol style="list-style-type: none"> (1) it is committed by using or threatening the use of deadly force; (2) it is committed while armed with a deadly weapon; or (3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge. <p>(c) It is a defense that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct.</p>	<p>Class A felony: 20-50 years Class B felony: 6 – 20 years Class C felony: 2 – 8 years</p>
	Vicarious Sexual Gratification IND. CODE ANN. § 35-42-4-5 (2006).	<p>(a) A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of sixteen (16) to touch or fondle himself or another child under the age of sixteen (16) with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a Class D felony. However, the offense is:</p> <ol style="list-style-type: none"> (1) a Class C felony if a child involved in the offense is under the age of fourteen (14); (2) a Class B felony if: <ol style="list-style-type: none"> (A) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon; or (B) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug or a controlled substance or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and (3) a Class A felony if it results in serious bodily injury. <p>(b) A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of sixteen (16) to:</p> <ol style="list-style-type: none"> (1) engage in sexual intercourse with another child under sixteen (16) years of age; (2) engage in sexual conduct with an animal other than a human being; or (3) engage in deviate sexual conduct with another person; 	<p>Class A felony: 20 – 50 years Class B felony: 6 – 20 years Class C felony: 2- 8 years Class D felony: 6 months – 3 years</p>

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		<p>with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a Class C felony. However, the offense is a Class B felony if any child involved in the offense is less than fourteen (14) years of age, and it is a Class A felony if the offense is committed by using or threatening the use of deadly force, if it is committed while armed with a deadly weapon, if it results in serious bodily injury, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug or a controlled substance or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.</p> <p>(c) A person eighteen (18) years of age or older who knowingly or intentionally:</p> <ol style="list-style-type: none"> (1) engages in sexual intercourse; (2) engages in deviate sexual conduct; or (3) touches or fondles the person's own body; <p>in the presence of a child less than fourteen (14) years of age with the intent to arouse or satisfy the sexual desires of the child or the older person commits performing sexual conduct in the presence of a minor, a Class D felony.</p>	
	<p>Child Solicitation IND. CODE ANN. § IC 35-42-4-6 (2006).</p>	<p>(a) As used in this section, "solicit" means to command, authorize, urge, incite, request, or advise an individual:</p> <ol style="list-style-type: none"> (1) in person; (2) by telephone; (3) in writing; (4) by using a computer network; (5) by advertisement of any kind; or (6) by any other means; <p>to perform an act described in subsection (b) or (c).</p> <p>(b) A person eighteen (18) years of age or older who knowingly or intentionally solicits a child under fourteen (14) years of age, or an individual the person believes to be a child under fourteen (14) years of age, to engage in:</p> <ol style="list-style-type: none"> (1) sexual intercourse; (2) deviate sexual conduct; or (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person; <p>commits child solicitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network.</p> <p>(c) A person at least twenty-one (21) years of age who knowingly or intentionally solicits a child at least fourteen (14) years of age but less than sixteen (16) years of age, or an individual the person believes to be a child at least fourteen (14) years of age but less than sixteen (16) years of age, to engage in:</p> <ol style="list-style-type: none"> (1) sexual intercourse; (2) deviate sexual conduct; or 	<p>Class C felony: 2- 8 years Class D felony: 6 months – 3 years</p>

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		<p>(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person; commits child solicitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network.</p> <p>(d) In a prosecution under this section, including a prosecution for attempted solicitation, the state is not required to prove that the person solicited the child to engage in an act described in subsection (b) or (c) at some immediate time.</p>	
	<p>Sexual Misconduct with Minor IND. CODE ANN. § 35-42-4-9 (2006).</p>	<p>(a) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits sexual misconduct with a minor, a Class C felony. However, the offense is:</p> <p>(1) a Class B felony if it is committed by a person at least twenty-one (21) years of age; and (2) a Class A felony if it is committed by using or threatening the use of deadly force, if it is committed while armed with a deadly weapon, if it results in serious bodily injury, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug or a controlled substance or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.</p> <p>(b) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits sexual misconduct with a minor, a Class D felony. However, the offense is:</p> <p>(1) a Class C felony if it is committed by a person at least twenty-one (21) years of age; and (2) a Class B felony if it is committed by using or threatening the use of deadly force, while armed with a deadly weapon, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug or a controlled substance or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.</p> <p>(c) It is a defense that the accused person reasonably believed that the child was at least sixteen (16) years of age at the time of the conduct. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).</p> <p>(d) It is a defense that the child is or has ever been married. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).</p>	<p>Class A felony: 20 – 50 years Class B felony: 6 – 20 years Class C felony: 2- 8 years Class D felony: 6 months – 3 years</p>
Iowa	<p>2° Sexual Abuse IOWA CODE § 709.3 (2005).</p>	<p>A person commits sexual abuse in the second degree when the person commits sexual abuse under any of the following circumstances:</p> <ol style="list-style-type: none"> 1. During the commission of sexual abuse the person displays in a threatening manner a dangerous weapon, or uses or threatens to use force creating a substantial risk of death or serious injury to any person. 2. The other person is under the age of twelve. 3. The person is aided or abetted by one or more persons and the sex act is committed by force or against the will of the other person against whom the sex act is committed. 	Up to 25 years
	<p>3° Sexual Abuse IOWA CODE §</p>	<p>A person commits sexual abuse in the third degree when the person performs a sex act under any of the following circumstances:</p>	Up to 10 years

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	709.4 (2005).	<p>1. The act is done by force or against the will of the other person, whether or not the other person is the person's spouse or is cohabiting with the person.</p> <p>2. The act is between persons who are not at the time cohabiting as husband and wife and if any of the following are true:</p> <ul style="list-style-type: none"> a. The other person is suffering from a mental defect or incapacity which precludes giving consent. b. The other person is twelve or thirteen years of age. c. The other person is fourteen or fifteen years of age and any of the following are true: <ul style="list-style-type: none"> (1) The person is a member of the same household as the other person. (2) The person is related to the other person by blood or affinity to the fourth degree. (3) The person is in a position of authority over the other person and uses that authority to coerce the other person to submit. (4) The person is four or more years older than the other person. <p>3. The act is performed while the other person is under the influence of a controlled substance, which may include but is not limited to flunitrazepam, and all of the following are true:</p> <ul style="list-style-type: none"> a. The controlled substance, which may include but is not limited to flunitrazepam, prevents the other person from consenting to the act. b. The person performing the act knows or reasonably should have known that the other person was under the influence of the controlled substance, which may include but is not limited to flunitrazepam. <p>4. The act is performed while the other person is mentally incapacitated, physically incapacitated, or physically helpless.</p>	
	<p>Lascivious acts with a Child IOWA CODE § 709.8 (2005).</p>	<p>It is unlawful for any person sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:</p> <ul style="list-style-type: none"> 1. Fondle or touch the pubes or genitals of a child. 2. Permit or cause a child to fondle or touch the person's genitals or pubes. 3. Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child. 4. Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on the person. <p>Any person who violates a provision of this section involving an act included in subsection 1 or 2 shall, upon conviction, be guilty of a class "C" felony. Any person who violates a provision of this section involving an act included in subsection 3 or 4 shall, upon conviction, be guilty of a class "D" felony.</p>	<p>Class C Felony: Up to 10 years Class D Felony: Up to 5 years</p>
	<p>Indecent Contact with a Child IOWA CODE § 709.12 (2005).</p>	<p>A person eighteen years of age or older is upon conviction guilty of an aggravated misdemeanor if the person commits any of the following acts with a child, not the person's spouse, with or without the child's consent, for the purpose of arousing or satisfying the sexual desires of either of them:</p> <ul style="list-style-type: none"> 1. Fondle or touch the inner thigh, groin, buttock, anus, or breast of the child. 2. Touch the clothing covering the immediate area of the inner thigh, groin, buttock, anus, or breast of the child. 3. Solicit or permit a child to fondle or touch the inner thigh, groin, buttock, anus, or breast of the person. 4. Solicit a child to engage in any act prohibited under section 709.8, subsection 1, 2, or 4. 	<p>Up to 2 years</p>

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	<p>Sexual misconduct with offenders and juveniles IOWA CODE § 709.16 (2005).</p>	<p>The provisions of this section shall also apply to a person sixteen or seventeen years of age who commits any of the enumerated acts with a child who is at least five years the person's junior, in which case the juvenile court shall have jurisdiction</p> <ol style="list-style-type: none"> 1. An officer, employee, contractor, vendor, volunteer, or agent of the department of corrections, or an officer, employee, or agent of a judicial district department of correctional services, who engages in a sex act with an individual committed to the custody of the department of corrections or a judicial district department of correctional services commits an aggravated misdemeanor. 2. An officer, employee, contractor, vendor, volunteer, or agent of a juvenile placement facility who engages in a sex act with a juvenile placed at such facility commits an aggravated misdemeanor. For purposes of this subsection, a "juvenile placement facility" means any of the following: <ol style="list-style-type: none"> a. A child foster care facility licensed under section 237.4. b. Institutions controlled by the department of human Services listed in section 218.1. c. Juvenile detention and juvenile shelter care homes approved under section 232.142. d. Psychiatric medical institutions for children licensed under chapter 135H. e. Substance abuse facilities as defined in section 125.2. 3. An officer, employee, contractor, vendor, volunteer, or agent of a county who engages in a sex act with a prisoner incarcerated in a county jail commits an aggravated misdemeanor. 	<p>Up to 2 years</p>
<p>Kansas</p>	<p>Rape KAN. STAT. ANN. § 21-3502 (2005).</p>	<p>(a) Rape is: (1) Sexual intercourse with a person who does not consent to the sexual intercourse, under any of the following circumstances: (A) When the victim is overcome by force or fear; (B) when the victim is unconscious or physically powerless; or (C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender; (2) sexual intercourse with a child who is under 14 years of age; (3) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or (4) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority. (b) It shall be a defense to a prosecution of rape under subsection (a)(2) that the child was married to the accused at the time of the offense. (c) Rape as described in subsection (a)(1) or (2) is a severity level 1, person felony. Rape as described in subsection (a)(3) or (4) is a severity level 2, person felony.</p>	<p>Severity level 1, person felony: 20-22 years Severity level 2, person felony: 15 – 17 years</p>
	<p>Indecent Liberties with a Child</p>	<p>(a) Indecent liberties with a child is engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age: (1) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to</p>	<p>Severity level 5, person felony</p>

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	KAN. STAT. ANN. § 21-3503 (2005).	with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (2) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another. (b) It shall be a defense to a prosecution of indecent liberties with a child as described in subsection (a)(1) that the child was married to the accused at the time of the offense. (c) Indecent liberties with a child is a severity level 5, person felony.	
	Aggravated Indecent Liberties with a Child KAN. STAT. ANN. § 21-3504 (2005).	(a) Aggravated indecent liberties with a child is: (1) Sexual intercourse with a child who is 14 or more years of age but less than 16 years of age; (2) engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age and who does not consent thereto: (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or satisfy the sexual desires of either the child or the offender, or both; or (B) causing the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another; or (3) engaging in any of the following acts with a child who is under 14 years of age: (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (B) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another. (b) It shall be a defense to a prosecution of aggravated indecent liberties with a child as provided in subsection (a)(1), (a)(2)(A) and (a)(3)(A) that the child was married to the accused at the time of the offense. (c) Aggravated indecent liberties with a child as described in subsections (a)(1) and (a)(3) is a severity level 3, person felony. Aggravated indecent liberties with a child as described in subsection (a)(2) is a severity level 4, person felony.	1 & 2 are severity level 3, number 3 is severity level 4.
	Criminal Sodomy KAN. STAT. ANN. § 21-3505 (2005).	(a) Criminal sodomy is: (1) Sodomy between persons who are 16 or more years of age and members of the same sex or between a person and an animal; (2) sodomy with a child who is 14 or more years of age but less than 16 years of age; or (3) causing a child 14 or more years of age but less than 16 years of age to engage in sodomy with any person or animal. (b) It shall be a defense to a prosecution of criminal sodomy as provided in subsection (a)(2) that the child was married to the accused at the time of the offense. (c) Criminal sodomy as provided in subsection (a)(1) is a class B nonperson misdemeanor. Criminal sodomy as provided in subsections (a)(2) and (a)(3) is a severity level 3, person felony.	Severity level 3 person felony
	Aggravated	(a) Aggravated criminal sodomy is:	15 – 17 years

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	Criminal Sodomy KAN. STAT. ANN. § 21-3506 (2005).	(1) Sodomy with a child who is under 14 years of age; (2) causing a child under 14 years of age to engage in sodomy with any person or an animal; or (3) sodomy with a person who does not consent to the sodomy or causing a person, without the person's consent, to engage in sodomy with any person or an animal, under any of the following circumstances: (A) When the victim is overcome by force or fear; (B) when the victim is unconscious or physically powerless; or (C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender. (b) It shall be a defense to a prosecution of aggravated criminal sodomy under subsection (a)(1) that the child was married to the accused at the time of the offense. (c) Aggravated criminal sodomy is a severity level 2, person felony.	
	Lewd and Lascivious behavior KAN. STAT. ANN. § 21-3508 (2005).	(a) Lewd and lascivious behavior is: (1) Publicly engaging in otherwise lawful sexual intercourse or sodomy with knowledge or reasonable anticipation that the participants are being viewed by others; or (2) publicly exposing a sex organ or exposing a sex organ in the presence of a person who is not the spouse of the offender and who has not consented thereto, with intent to arouse or gratify the sexual desires of the offender or another. (b) (1) Lewd and lascivious behavior if committed in the presence of a person 16 or more years of age is a class B nonperson misdemeanor. (2) Lewd and lascivious behavior if committed in the presence of a person under 16 years of age is a severity level 9, person felony.	Up to 6 months
	Indecent Solicitation of a Child KAN. STAT. ANN. § 21-3510 (2005).	(a) Indecent solicitation of a child is: (1) Enticing or soliciting a child 14 or more years of age but less than 16 years of age to commit or to submit to an unlawful sexual act; or (2) inviting, persuading or attempting to persuade a child 14 or more years of age but less than 16 years of age to enter any vehicle, building, room or secluded place with intent to commit an unlawful sexual act upon or with the child. (b) Indecent solicitation of a child is a severity level 6, person felony.	Severity level 6 person felony
	Aggravated Indecent Solicitation of a Child KAN. STAT. ANN. § 21-3511 (2005).	Aggravated indecent solicitation of a child is: (a) Enticing or soliciting a child under the age of 14 years to commit or to submit to an unlawful sexual act; or (b) inviting, persuading or attempting to persuade a child under the age of 14 years to enter any vehicle, building, room or secluded place with intent to commit an unlawful sexual act upon or with the child. Aggravated indecent solicitation of a child is a severity level 5, person felony.	Severity level 6 person felony
	Unlawful Sexual Relations	(a) Unlawful sexual relations is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if:	8 – 10 months

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	KAN. STAT. ANN. § 21-3520 (2005).	<p>(1) The offender is an employee of the department of corrections or the employee of a contractor who is under contract to provide services for a correctional institution and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate; or</p> <p>(2) the offender is a parole officer or the employee of a contractor who is under contract to provide supervision services for persons on parole, conditional release or postrelease supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate who has been released on parole or conditional release or postrelease supervision under the direct supervision and control of the offender; or</p> <p>(3) the offender is a law enforcement officer, an employee of a jail, or the employee of a contractor who is under contract to provide services in a jail and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined by lawful custody to such jail; or</p> <p>(4) the offender is a law enforcement officer, an employee of a juvenile detention facility or sanctions house, or the employee of a contractor who is under contract to provide services in such facility or sanctions house and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined by lawful custody to such facility or sanctions house; or</p> <p>(5) the offender is an employee of the juvenile justice authority or the employee of a contractor who is under contract to provide services in a juvenile correctional facility and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined by lawful custody to such facility; or</p> <p>(6) the offender is an employee of the juvenile justice authority or the employee of a contractor who is under contract to provide direct supervision and offender control services to the juvenile justice authority and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is 16 years of age or older and (A) released on conditional release from a juvenile correctional facility under the supervision and control of the juvenile justice authority or juvenile community supervision agency or (B) placed in the custody of the juvenile justice authority under the supervision and control of the juvenile justice authority or juvenile community supervision agency and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision;</p> <p>(7) the offender is an employee of the department of social and rehabilitation services or the employee of a contractor who is under contract to provide services in a social and rehabilitation services institution and the person with whom the offender is engaging in consensual sexual intercourse, not otherwise subject to subsection (a)(1)(C) of K.S.A. 21-3502, and amendments thereto, lewd fondling or touching, or sodomy, not otherwise subject to subsection (a)(3)(C) of K.S.A. 21-3506, and amendments thereto, is a person 16 years of age or older who is a patient in such institution;</p> <p>(8) the offender is a teacher or a person in a position of authority and the person with whom the offender is</p>	

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		<p>engaging in consensual sexual intercourse, lewd fondling or touching or sodomy is 16 or 17 years of age and a student enrolled at the school where the offender is employed. If the offender is the parent of the student, the provisions of K.S.A. 21-3603, and amendments thereto, shall apply, not this subsection;</p> <p>(9) the offender is a court services officer or the employee of a contractor who is under contract to provide supervision services for persons under court services supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been placed on probation under the supervision and control of court services and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of court services; or</p> <p>(10) the offender is a community correctional services officer or the employee of a contractor who is under contract to provide supervision services for persons under community corrections supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been assigned to a community correctional services program under the supervision and control of community corrections and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision of community corrections.</p> <p>(b) For purposes of this act:</p> <p>(1) "Correctional institution" means the same as prescribed by K.S.A. 75-5202, and amendments thereto;</p> <p>(2) "inmate" means the same as prescribed by K.S.A. 75-5202, and amendments thereto;</p> <p>(3) "parole officer" means the same as prescribed by K.S.A. 75-5202, and amendments thereto;</p> <p>(4) "postrelease supervision" means the same as prescribed in the Kansas sentencing guidelines act in K.S.A. 21-4703, and amendments thereto;</p> <p>(5) "juvenile detention facility" means the same as prescribed by K.S.A. 38-1602, and amendments thereto;</p> <p>(6) "juvenile correctional facility" means the same as prescribed by K.S.A. 38-1602, and amendments thereto;</p> <p>(7) "sanctions house" means the same as prescribed by K.S.A. 38-1602, and amendments thereto;</p> <p>(8) "institution" means the same as prescribed by K.S.A. 76-12a01, and amendments thereto; and</p> <p>(9) "teacher" means and includes teachers, supervisors, principals, superintendents and any other professional employee in any public or private school;</p> <p>(10) "community corrections" means the entity responsible for supervising adults and juvenile offenders for confinement, detention, care or treatment, subject to conditions imposed by the court pursuant to the community corrections act, K.S.A. 75-5290, and amendments thereto, and the Kansas juvenile justice code, K.S.A. 38-1601 et seq., and amendments thereto;</p> <p>(11) "court services" means the entity appointed by the district court that is responsible for supervising adults and juveniles placed on probation and misdemeanants placed on parole by district courts of this state;</p> <p>(12) "law enforcement officer" means the same as prescribed by K.S.A. 21-3110, and amendments thereto; and</p>	

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	<p>Unlawful voluntary sexual relations KAN. STAT. ANN. § 21-3522 (2005).</p>	<p>(13) "juvenile community supervision agency" means an entity that receives grants for the purpose of providing direct supervision to juveniles in the custody of the juvenile justice authority. (c) Unlawful sexual relations is a severity level 10, person felony.</p> <p>(a) Unlawful voluntary sexual relations is engaging in voluntary: (1) Sexual intercourse; (2) sodomy; or (3) lewd fondling or touching with a child who is 14 years of age but less than 16 years of age and the offender is less than 19 years of age and less than four years of age older than the child and the child and the offender are the only parties involved and are members of the opposite sex. (b) (1) Unlawful voluntary sexual relations as provided in subsection (a)(1) is a severity level 8, person felony. (2) Unlawful voluntary sexual relations as provided in subsection (a)(2) is a severity level 9, person felony. (3) Unlawful voluntary sexual relations as provided in subsection (a)(3) is a severity level 10, person felony.</p>	<p>Sexual intercourse is level 8 felony, sodomy is level 9, and lewd fondling or touching is level 10.</p>
<p>Kentucky</p>	<p>Definitions KY. REV. STAT. ANN. § 510.010 (2006).</p>	<p>The following definitions apply in this chapter unless the context otherwise requires: (1) "Deviate sexual intercourse" means any act of sexual gratification involving the sex organs of one person and the mouth or anus of another; or penetration of the anus of one person by a foreign object manipulated by another person. "Deviate sexual intercourse" does not include penetration of the anus by a foreign object in the course of the performance of generally recognized health-care practices; (2) "Forcible compulsion" means physical force or threat of physical force, express or implied, which places a person in fear of immediate death, physical injury to self or another person, fear of the immediate kidnap of self or another person, or fear of any offense under this chapter. Physical resistance on the part of the victim shall not be necessary to meet this definition; (3) "Mental illness" means a diagnostic term that covers many clinical categories, typically including behavioral or psychological symptoms, or both, along with impairment of personal and social function, and specifically defined and clinically interpreted through reference to criteria contained in the Diagnostic and Statistical Manual of Mental Disorders (Third Edition) and any subsequent revision thereto, of the American Psychiatric Association; (4) "Mentally retarded person" means a person with significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, as defined in KRS Chapter 202B; (5) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct as a result of the influence of an intoxicating substance administered to him without his consent or as a result of any other act committed upon him without his consent; (6) "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act. "Physically helpless" also includes a person who has been rendered unconscious or for any other reason is physically unable to communicate an unwillingness to an act as a result of the influence of a controlled substance or legend drug; (7) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party; (8) "Sexual intercourse" means sexual intercourse in its ordinary sense and includes penetration of the sex</p>	<p>N/A</p>

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		organs of one person by a foreign object manipulated by another person. Sexual intercourse occurs upon any penetration, however slight; emission is not required. "Sexual intercourse" does not include penetration of the sex organ by a foreign object in the course of the performance of generally recognized health-care practices; and (9) "Foreign object" means anything used in commission of a sexual act other than the person of the actor.	
	Lack of Consent KY. REV. STAT. ANN. § 510.020 (2006).	(1) Whether or not specifically stated, it is an element of every offense defined in this chapter that the sexual act was committed without consent of the victim. (2) Lack of consent results from: (a) Forcible compulsion; (b) Incapacity to consent; or (c) If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct. (3) A person is deemed incapable of consent when he is: (a) Less than sixteen (16) years old; (b) Mentally retarded or suffers from a mental illness; (c) Mentally incapacitated; or (d) Physically helpless.	
	1° Rape KY. REV. STAT. ANN. § 510.040 (2006).	(1) A person is guilty of rape in the first degree when: (a) He engages in sexual intercourse with another person by forcible compulsion; or (b) He engages in sexual intercourse with another person who is incapable of consent because he: 1. Is physically helpless; or 2. Is less than twelve (12) years old. (2) Rape in the first degree is a Class B felony unless the victim is under twelve (12) years old or receives a serious physical injury in which case it is a Class A felony.	Class A Felony: 20 – 50 years Class B felony: 10 – 20 years
	2° Rape KY. REV. STAT. ANN. § 510.050 (2006).	(1) A person is guilty of rape in the second degree when: (a) Being eighteen (18) years old or more, he engages in sexual intercourse with another person less than fourteen (14) years old; or (b) He engages in sexual intercourse with another person who is mentally incapacitated. (2) Rape in the second degree is a Class C felony.	Class C felony: 5-10 years
	3° Rape KY. REV. STAT. ANN. § 510.060(1) (2006).	A person is guilty of rape in the third degree when: (a) He engages in sexual intercourse with another person who is incapable of consent because he is mentally retarded; (b) Being twenty-one (21) years old or more, he engages in sexual intercourse with another person less than sixteen (16) years old; or (c) Being twenty-one (21) years old or more, he engages in sexual intercourse with another person less than eighteen (18) years old and for whom he provides a foster family home as defined in KRS 600.020 .	1 – 5 years

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	1° Sodomy KY. REV. STAT. ANN. § 510.070(1) (2006).	(1) A person is guilty of sodomy in the first degree when: (a) He engages in deviate sexual intercourse with another person by forcible compulsion; or (b) He engages in deviate sexual intercourse with another person who is incapable of consent because he: 1. Is physically helpless; or 2. Is less than twelve (12) years old.	10-20 years if victim under 12 years or receives serious injury, else 5-10 year
	2° Sodomy KY. REV. STAT. ANN. § 510.080(1) (2006).	A person is guilty of sodomy in the second degree when: (a) Being eighteen (18) years old or more, he engages in deviate sexual intercourse with another person less than fourteen (14) years old; or (b) He engages in deviate sexual intercourse with another person who is mentally incapacitated.	5 – 10 years
	3° Sodomy KY. REV. STAT. ANN. § 510.090(1) (2006).	A person is guilty of sodomy in the third degree when: (a) He engages in deviate sexual intercourse with another person who is incapable of consent because he is mentally retarded; (b) Being twenty-one (21) years old or more, he engages in deviate sexual intercourse with another person less than sixteen (16) years old; or (c) Being twenty-one (21) years old or more, he engages in deviate sexual intercourse with another person less than eighteen (18) years old and for whom he provides a foster family home as defined in KRS 600.020 .	1 – 5 years
	1° Sexual Abuse KY. REV. STAT. ANN. § 510.110(1) (2006).	A person is guilty of sexual abuse in the first degree when: (a) He subjects another person to sexual contact by forcible compulsion; or (b) He subjects another person to sexual contact who is incapable of consent because he: 1. Is physically helpless; 2. Is less than twelve (12) years old; or 3. Is mentally incapacitated.	1 – 5 years
	2° Sexual Abuse KY. REV. STAT. ANN. § 510.120(1) (2006).	A person is guilty of sexual abuse in the second degree when: (a) He subjects another person to sexual contact who is incapable of consent because he is mentally retarded; (b) He subjects another person who is less than fourteen (14) years old to sexual contact; (c) Being an employee, contractor, vendor, or volunteer of the Department of Corrections, or a detention facility as defined in KRS 520.010 , or of an entity under contract with either the department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, he subjects an offender who is incarcerated, supervised, evaluated, or treated by the Department of Corrections, the detention facility, or the contracting entity, to sexual contact. In any prosecution under this paragraph, the defendant may prove in exculpation that, at the time he engaged in the conduct constituting the offense, he and the offender were married to each other; or (d) Being twenty-one (21) years old or more, he subjects another person to sexual contact who is less than eighteen (18) years old and for whom he provides a foster family home as defined in KRS 600.020 .	Up to 1 year
	3° Sexual Abuse KY. REV. STAT.	A person is guilty of sexual abuse in the third degree when: (a) He subjects another person to sexual contact without the latter's consent.	Up to 90 days

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	ANN. § 510.130(1) (2006).	(b) In any prosecution under this section, it is a defense that: 1. The other person's lack of consent was due solely to incapacity to consent by reason of being less than sixteen (16) years old; and 2. The other person was at least fourteen (14) years old; and 3. The actor was less than five (5) years older than the other person.	
	1° Indecent Exposure KY. REV. STAT. ANN. § 510.148(1) (2006).	A person is guilty of indecent exposure in the first degree when he intentionally exposes his genitals under circumstances in which he knows or should know that his conduct is likely to cause affront or alarm to a person under the age of eighteen (18) years.	Up to 90 days
	Duty to report abuse KY. REV. STAT. ANN. § 620.030 (2006).	(1) Any person who knows or has reasonable cause to believe that a child is dependent, neglected or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or the Kentucky state police; the cabinet or its designated representative; the commonwealth's attorney or the county attorney; by telephone or otherwise. Any supervisor who receives from an employe a report of suspected dependency, neglect or abuse shall promptly make a report to the proper authorities for investigation. If the cabinet receives a report of abuse or neglect allegedly committed by a person other than a parent, guardian or person exercising custodial control or supervision, the cabinet shall refer the matter to the commonwealth's attorney or the county attorney and the local law enforcement agency or the Kentucky state police. Nothing in this section shall relieve individuals of their obligations to report. (2) Any person, including but not limited to a physician, osteopathic physician, nurse, teacher, school personnel, social worker, coroner, medical examiner, child-caring personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical technician, paramedic, health professional, mental health professional, peace officer or any organization or agency for any of the above, who knows or has reasonable cause to believe that a child is dependent, neglected or abused, regardless of whether the person believed to have caused the dependency, neglect or abuse is a parent, guardian, person exercising custodial control or supervision or another person, or who has attended such child as a part of his professional duties shall, if requested, in addition to the report required in subsection (1) of this section, file with the local law enforcement agency or the Kentucky state police or the commonwealth's or county attorney, the cabinet or its designated representative within forty-eight (48) hours of the original report a written report containing: (a) The names and addresses of the child and his parents or other persons exercising custodial control or supervision; (b) The child's age; (c) The nature and extent of the child's alleged dependency, neglect or abuse (including any previous charges of dependency, neglect or abuse) to this child or his siblings; (d) The name and address of the person allegedly responsible for the abuse or neglect; and (e) Any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section.	

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		(3) The cabinet upon request shall receive from any agency of the state or any other agency, institution or facility providing services to the child or his family, such cooperation, assistance and information as will enable the cabinet to fulfill its responsibilities under KRS 620.030 , 620.040 , and 620.050 .	
Louisiana	<p>Aggravated Rape LA. REV. STAT. ANN. § 14:42 (2006).</p>	<p>A. Aggravated rape is a rape committed upon a person sixty-five years of age or older or where the anal, oral, or vaginal sexual intercourse is deemed to be without lawful consent of the victim because it is committed under any one or more of the following circumstances:</p> <ol style="list-style-type: none"> (1) When the victim resists the act to the utmost, but whose resistance is overcome by force. (2) When the victim is prevented from resisting the act by threats of great and immediate bodily harm, accompanied by apparent power of execution. (3) When the victim is prevented from resisting the act because the offender is armed with a dangerous weapon. (4) When the victim is under the age of thirteen years. Lack of knowledge of the victim's age shall not be a defense. (5) When two or more offenders participated in the act. (6) When the victim is prevented from resisting the act because the victim suffers from a physical or mental infirmity preventing such resistance. <p>B. For purposes of Paragraph (5), "participate" shall mean:</p> <ol style="list-style-type: none"> (1) Commit the act of rape. (2) Physically assist in the commission of such act. <p>C. For purposes of this Section, the following words have the following meanings:</p> <ol style="list-style-type: none"> (1) "Physical infirmity" means a person who is a quadriplegic or paraplegic. (2) "Mental infirmity" means a person with an intelligence quotient of seventy or lower. <p>D.(1) Whoever commits the crime of aggravated rape shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.</p> <p>(2) However, if the victim was under the age of twelve years, as provided by Paragraph A(4) of this Section:</p> <ol style="list-style-type: none"> (a) And if the district attorney seeks a capital verdict, the offender shall be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence, in accordance with the determination of the jury. The provisions of C.Cr.P. Art. 782 relative to cases in which punishment may be capital shall apply. (b) And if the district attorney does not seek a capital verdict, the offender shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. The provisions of C.Cr.P. Art. 782 relative to cases in which punishment is necessarily confinement at hard labor shall apply. 	Death, or Life imprisonment
	<p>Sexual Battery LA. REV. STAT. ANN. § 14:43.1 (2006).</p>	<p>A. Sexual battery is the intentional engaging in any of the following acts with another person where the offender acts without the consent of the victim, or where the act is consensual but the other person, who is not the spouse of the offender, has not yet attained fifteen years of age and is at least three years younger than the offender:</p>	Up to 10 years

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		<p>(1) The touching of the anus or genitals of the victim by the offender using any instrumentality or any part of the body of the offender; or</p> <p>(2) The touching of the anus or genitals of the offender by the victim using any instrumentality or any part of the body of the victim.</p> <p>B. Lack of knowledge of the victim's age shall not be a defense. However, where the victim is under seventeen, normal medical treatment or normal sanitary care of an infant shall not be construed as an offense under the provisions of this Section.</p> <p>C. Whoever commits the crime of sexual battery shall be punished by imprisonment, with or without hard labor, without benefit of parole, probation, or suspension of sentence, for not more than ten years.</p>	
	<p>Oral Sexual Battery LA. REV. STAT. ANN. § 14:43.3(A)</p>	<p>Oral sexual battery is the intentional engaging in any of the following acts with another person, who is not the spouse of the offender when the other person has not yet attained fifteen years of age and is at least three years younger than the offender:</p> <p>(1) The touching of the anus or genitals of the victim by the offender using the mouth or tongue of the offender; or</p> <p>(2) The touching of the anus or genitals of the offender by the victim using the mouth or tongue of the victim.</p>	Up to 10 years
	<p>Felony Carnal Knowledge of a Juvenile LA. REV. STAT. ANN. § 14:80. (2006).</p>	<p>A. Felony carnal knowledge of a juvenile is committed when:</p> <p>(1) A person who is nineteen years of age or older has sexual intercourse, with consent, with a person who is twelve years of age or older but less than seventeen years of age, when the victim is not the spouse of the offender; or</p> <p>(2) A person who is seventeen years of age or older has sexual intercourse, with consent, with a person who is twelve years of age or older but less than fifteen years of age, when the victim is not the spouse of the offender; or</p> <p>(3) A person commits a second or subsequent offense of misdemeanor carnal knowledge of a juvenile, or a person who has been convicted one or more times of violating one or more crimes for which the offender is required to register as a sex offender under R.S. 15:542 commits a first offense of misdemeanor carnal knowledge of a juvenile.</p> <p>B. As used in this Section, "sexual intercourse" means anal, oral, or vaginal sexual intercourse.</p> <p>C. Lack of knowledge of the juvenile's age shall not be a defense. Emission is not necessary, and penetration, however slight, is sufficient to complete the crime.</p> <p>D. Whoever commits the crime of felony carnal knowledge of a juvenile shall be fined not more than five thousand dollars, or imprisoned, with or without hard labor, for not more than ten years, or both, provided that the defendant shall not be eligible to have his conviction set aside or his prosecution dismissed in accordance with the provisions of Code of Criminal Procedure Article 893.</p>	Up to 10 years
	<p>Misdemeanor carnal knowledge of a juvenile LA. REV. STAT.</p>	<p>A. Misdemeanor carnal knowledge of a juvenile is committed when a person who is seventeen years of age or older but less than nineteen years of age has sexual intercourse, with consent, with a person who is fifteen years of age or older but less than seventeen years of age, when the victim is not the spouse of the offender, and when the difference between the age of the victim and age of the offender is greater than two years.</p> <p>B. As used in this Section, "sexual intercourse" means anal, oral, or vaginal sexual intercourse.</p>	Up to 6 months

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	ANN. § 14:80.1 (2006).	<p>C. Lack of knowledge of the juvenile's age shall not be a defense. Emission is not necessary, and penetration, however slight, is sufficient to complete the crime.</p> <p>D. Whoever commits the crime of misdemeanor carnal knowledge of a juvenile shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.</p> <p>E. The offender shall be eligible to have his conviction set aside and his prosecution dismissed in accordance with the appropriate provisions of the Code of Criminal Procedure.</p> <p>F. The offender shall not be subject to any of the provisions of law which are applicable to sex offenders, including but not limited to the provisions which require registration of the offender and notice to the neighbors of the offender.</p>	
Maine	<p>Definitions ME. REV. STAT. ANN. tit. 17-A, § 251 (2005).</p>	<p>In this chapter the following definitions apply.</p> <p>A. "Spouse" means a person legally married to the actor, but does not include a legally married person living apart from the actor under a defacto separation.</p> <p>B. This section repealed.</p> <p>C. "Sexual act" means: (1) Any act between 2 persons involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other; (2) Any act between a person and an animal being used by another person which act involves direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other; or (3) Any act involving direct physical contact between the genitals or anus of one and an instrument or device manipulated by another person when that act is done for the purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact. A sexual act may be proved without allegation or proof of penetration. [1985, c. 495, §5 (rpr).] D. "Sexual contact" means any touching of the genitals or anus, directly or through clothing, other than as would constitute a sexual act, for the purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact. [1985, c. 495, §6 (amd).] E. "Compulsion" means the use of physical force, a threat to use physical force or a combination thereof that makes a person unable to physically repel the actor or produces in that person a reasonable fear that death, serious bodily injury or kidnapping might be imminently inflicted upon that person or another human being. "Compulsion" as defined in this paragraph places no duty upon the victim to resist the actor. F. "Safe children zone" means on or within 1,000 feet of the real property comprising a public or private elementary or secondary school or on or within 1,000 feet of the real property comprising a day care center licensed pursuant to Title 22, section 8301-A. G. "Sexual touching" means any touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, for the purpose of arousing or gratifying sexual desire.</p>	N/A
	<p>Gross Sexual Assault ME. REV. STAT.</p>	<p>1. A person is guilty of gross sexual assault if that person engages in a sexual act with another person and: A. The other person submits as a result of compulsion, as defined in section 251, subsection 1, paragraph E. Violation of this paragraph is a Class A crime;</p>	Up to 30 years for Class A crimes. Up to

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	ANN. tit. 17-A, § 253 (2005).	<p>B. The other person, not the actor's spouse, has not in fact attained the age of 14 years. Violation of this paragraph is a Class A crime; or</p> <p>C. The other person, not the actor's spouse, has not in fact attained 12 years of age. Violation of this paragraph is a Class A crime.</p> <p>2. A person is guilty of gross sexual assault if that person engages in a sexual act with another person and:</p> <p>A. The actor has substantially impaired the other person's power to appraise or control the other person's sexual acts by administering or employing drugs, intoxicants or other similar means. Violation of this paragraph is a Class B crime;</p> <p>B. The actor compels or induces the other person to engage in the sexual act by any threat. Violation of this paragraph is a Class B crime;</p> <p>C. The other person suffers from mental disability that is reasonably apparent or known to the actor, and which in fact renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that the person has the right to deny or withdraw consent. Violation of this paragraph is a Class B crime;</p> <p>D. The other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual act. Violation of this paragraph is a Class B crime;</p> <p>E. The other person, not the actor's spouse, is in official custody as a probationer or a parolee, or is detained in a hospital, prison or other institution, and the actor has supervisory or disciplinary authority over the other person. Violation of this paragraph is a Class B crime;</p> <p>F. The other person, not the actor's spouse, has not in fact attained the age of 18 years and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class C crime;</p> <p>G. The other person, not the actor's spouse, has not attained the age of 18 years and is a resident in or attending a children's home, day care facility, residential child care facility, drug treatment center, camp or similar school, facility or institution regularly providing care or services for children, and the actor is a teacher, employee or other person having instructional, supervisory or disciplinary authority over the other person. Violation of this paragraph is a Class C crime;</p> <p>H. The other person has not in fact attained the age of 18 years and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term care and welfare of that other person. Violation of this paragraph is a Class B crime;</p> <p>I. The actor is a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the actor's spouse, is a patient or client for mental health therapy of the actor. As used in this paragraph, "mental health therapy" means psychotherapy or other treatment modalities intended to change behavior, emotions or attitudes, which therapy is based upon an intimate relationship involving trust and dependency with a substantial potential for vulnerability and abuse. Violation of this paragraph is a Class C crime; or</p> <p>J. The actor owns, operates or is an employee of an organization, program or residence that is operated,</p>	10 years for Class B crimes. Class C: 5 years

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		<p>administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes the other person as a person with mental retardation. It is an affirmative defense to prosecution under this paragraph that the actor receives services for mental retardation or is a person with mental retardation as defined in Title 34-B, section 5001, subsection 3. Violation of this paragraph is a Class C crime.</p> <p>3. It is a defense to a prosecution under subsection 2, paragraph A, that the other person voluntarily consumed or allowed administration of the substance with knowledge of its nature, except that it is no defense when the other person is a patient of the actor and has a reasonable belief that the actor is administering the substance for medical or dental examination or treatment.</p> <p>4. [2001, c. 383, §18 (rp); §156 (aff).]</p> <p>5. [2001, c. 383, §19 (rp); §156 (aff).]</p> <p>6. In using a sentencing alternative involving a term of imprisonment for a person convicted of violating this section, a court shall, in determining the maximum period of incarceration as the 2nd step in the sentencing process, treat each prior Maine conviction for a violation of this section as an aggravating sentencing factor.</p> <p>A. When the sentencing class for a prior conviction under this section is Class A, the court shall enhance the basic period of incarceration by a minimum of 4 years of imprisonment.</p> <p>B. When the sentencing class for a prior conviction under this section is Class B, the court shall enhance the basic period of incarceration by a minimum of 2 years of imprisonment.</p> <p>C. When the sentencing class for a prior conviction under this section is Class C, the court shall enhance the basic period of incarceration by a minimum of one year of imprisonment.</p> <p>In arriving at the final sentence as the 3rd step in the sentencing process, the court may not suspend that portion of the maximum term of incarceration based on a prior conviction.</p> <p>7. If the State pleads and proves that a violation of subsection 1 or subsection 2 was committed in a safe children zone, the court, in determining the appropriate sentence, shall treat this as an aggravating sentencing factor.</p>	
	<p>Sexual Abuse of a Minor</p> <p>**Could not find what statutes these are based on**</p>	<p>Engaging in a sexual act with a child either 14 or 15 years old, and the actor is at least 5 years older than the victim</p>	<p>Up to 1 year, unless offender is 10 years older than victim then up to 5 years</p>
	<p>Unlawful Sexual Conduct</p>	<p>Engaging in sexual contact with child under 14 years old and offender is at least 3 years older.</p>	<p>Up to 5 years, unless contact includes penetration</p>

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			then up to 10 years.
	<p>Sexual exploitation of minor ME. REV. STAT. ANN. tit. 17-A, § 282 (2005).</p>	<p>1. A person is guilty of sexual exploitation of a minor if:</p> <p>A. Knowing or intending that the conduct will be photographed, the person intentionally or knowingly employs, solicits, entices, persuades, uses or compels another person, not that person's spouse, who is in fact a minor, to engage in sexually explicit conduct. Violation of this paragraph is a Class B crime;</p> <p>B. The person violates paragraph A and, at the time of the offense, has one or more prior convictions for violating this section. Violation of this paragraph is a Class A crime;</p> <p>C. The person violates paragraph A and the minor has not in fact attained 12 years of age. Violation of this paragraph is a Class A crime;</p> <p>D. Being a parent, legal guardian or other person having care or custody of another person who is in fact a minor, that person knowingly or intentionally permits that minor to engage in sexually explicit conduct, knowing or intending that the conduct will be photographed. Violation of this paragraph is a Class B crime;</p> <p>E. The person violates paragraph D and, at the time of the offense, the person has one or more prior convictions for violating this section. Violation of this paragraph is a Class A crime; or</p> <p>F. The person violates paragraph D and the minor has not in fact attained 12 years of age. Violation of this paragraph is a Class A crime.</p> <p>2. The following mandatory minimum terms of imprisonment apply to sexual exploitation of a minor.</p> <p>A. A court shall impose upon a person convicted under subsection 1, paragraph A or D a sentencing alternative involving a term of imprisonment of at least 5 years.</p> <p>B. A court shall impose upon a person convicted under subsection 1, paragraph B or E a sentencing alternative involving a term of imprisonment of at least 10 years.</p> <p>The court may not suspend a minimum term of imprisonment imposed under this section unless it sets forth in detail, in writing, the reasons for suspending the sentence. The court shall consider the nature and circumstances of the crime, the physical and mental well-being of the minor and the history and character of the defendant and may only suspend the minimum term if the court is of the opinion that the exceptional features of the case justify the imposition of another sentence. Section 9-A governs the use of prior convictions when determining a sentence.</p>	<p>A or D: minimum of 5 years imprisonment</p> <p>B or E: minimum of 10 years imprisonment</p>
	<p>Sexual abuse of minors ME. REV. STAT. ANN. tit. 17-A, § 254 (2005).</p>	<p>1. A person is guilty of sexual abuse of a minor if:</p> <p>A. The person engages in a sexual act with another person, not the actor's spouse, who is either 14 or 15 years of age and the actor is at least 5 years older than the other person. Violation of this paragraph is a Class D crime;</p> <p>A-1. The person violates paragraph A and the actor knows that the other person is related to the actor within the 2nd degree of consanguinity. Violation of this paragraph is a Class C crime;</p> <p>A-2. The person violates paragraph A and the actor is at least 10 years older than the other person. Violation of this paragraph is a Class C crime;</p> <p>B. Deleted. Laws 1989, c. 401, § A, 3.</p> <p>C. The person is at least 21 years of age and engages in a sexual act with another person, not the actor's</p>	<p>A: Less than one year</p> <p>A-1: No more than 5 years</p> <p>A-2: No more than 5 years</p> <p>C: Less than 6 months</p> <p>D: Less than one year</p>

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		<p>spouse, who is either 16 or 17 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled. Violation of this paragraph is a Class E crime;</p> <p>D. The person violates paragraph C and the actor knows that the student is related to the actor within the 2nd degree of consanguinity. Violation of this paragraph is a Class D crime;</p> <p>E. The person violates paragraph C and the actor is at least 10 years older than the student. Violation of this paragraph is a Class D crime; or</p> <p>F. The person intentionally subjects another person, not the actor's spouse, who is either 14 or 15 years of age to any sexual contact and the actor is at least 10 years older than the other person. Violation of this paragraph is a Class D crime.</p> <p>2. It is a defense to a prosecution under subsection 1, paragraphs A, A-1, A-2 and F, that the actor reasonably believed the other person is at least 16 years of age.</p> <p>3. DELETED. Laws 2001, c. 383, § 21.</p> <p>4. As used in this section, "related to the actor within the 2nd degree of consanguinity" has the meaning set forth in section 556.</p>	<p>E: Less than one year F: Less than one year</p>
	<p>Sexual misconduct with a child under 14 years of age ME. REV. STAT. ANN. tit. 17-A, § 258 (2005).</p>	<p>1. A person is guilty of sexual misconduct with a child under 14 years of age if that person, having in fact attained 18 years of age, knowingly displays any sexually explicit materials to another person, not the actor's spouse, who has not in fact attained the age of 14 years, with the intent to encourage the other person to engage in a sexual act or sexual contact. Violation of this subsection is a Class D crime.</p> <p>1-A. A person is guilty of sexual misconduct with a child under 12 years of age if that person, having in fact attained 18 years of age, knowingly displays any sexually explicit materials to another person, not the actor's spouse, who has not in fact attained 12 years of age, with the intent to encourage the other person to engage in a sexual act or sexual contact. Violation of this subsection is a Class C crime.</p> <p>2. As used in this section, "sexually explicit materials" means any book, magazine, print, negative, slide, motion picture, videotape or other mechanically reproduced visual material that the person knows or should know depicts a person, minor or adult, engaging in sexually explicit conduct, as that term is defined in section 281.</p>	<p>1: Less than one year 1-A: no more than 5 years</p>
	<p>Unlawful Sexual Contact ME. REV. STAT. ANN. tit. 17-A, § 255-A (2005).</p>	<p>A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and:</p> <p>A. The other person has not expressly or impliedly acquiesced in the sexual contact. Violation of this paragraph is a Class D crime;</p> <p>B. The other person has not expressly or impliedly acquiesced in the sexual contact and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;</p> <p>C. The other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual contact. Violation of this paragraph is a Class D crime;</p> <p>D. The other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual contact and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;</p>	<p>Class B Crime: Up to 10 years Class C Crime: Up to 5 years Class D Crime: Less than 1 year Class E Crime: Less than 6 months</p>

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		<p>E. The other person, not the actor's spouse, is in fact less than 14 years of age and the actor is at least 3 years older. Violation of this paragraph is a Class C crime;</p> <p>E-1. The other person, not the actor's spouse, is in fact less than 12 years of age and the actor is at least 3 years older. Violation of this paragraph is a Class B crime</p> <p>F. The other person, not the actor's spouse, is in fact less than 14 years of age and the actor is at least 3 years older and the sexual contact includes penetration. Violation of this paragraph is a Class B crime;</p> <p>F-1. The other person, not the actor's spouse, is in fact less than 12 years of age and the actor is at least 3 years older and the sexual contact includes penetration. Violation of this paragraph is a Class A crime;</p> <p>G. The other person suffers from a mental disability that is reasonably apparent or known to the actor that in fact renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that the other person has the right to deny or withdraw consent. Violation of this paragraph is a Class D crime;</p> <p>H. The other person suffers from a mental disability that is reasonably apparent or known to the actor that in fact renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that the other person has the right to deny or withdraw consent and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;</p> <p>I. The other person, not the actor's spouse, is in official custody as a probationer or parolee or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person. Violation of this paragraph is a Class D crime;</p> <p>J. The other person, not the actor's spouse, is in official custody as a probationer or parolee or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;</p> <p>K. The other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class D crime;</p> <p>L. The other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;</p> <p>M. The other person is in fact less than 18 years of age and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of that other person. Violation of this paragraph is a Class C crime;</p> <p>N. The other person is in fact less than 18 years of age and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of that other person and the sexual contact includes penetration. Violation of this paragraph is a Class B crime;</p> <p>O. The other person submits as a result of compulsion. Violation of this paragraph is a Class C crime;</p> <p>P. The other person submits as a result of compulsion and the sexual contact includes penetration. Violation</p>	

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		<p>of this paragraph is a Class B crime;</p> <p>Q. The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that other person as a person with mental retardation. It is an affirmative defense to prosecution under this paragraph that the actor receives services for mental retardation or is a person with mental retardation as defined in Title 34-B, section 5001, subsection 3. Violation of this paragraph is a Class D crime;</p> <p>R. The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that other person as a person with mental retardation and the sexual contact includes penetration. It is an affirmative defense to prosecution under this paragraph that the actor receives services for mental retardation or is a person with mental retardation as defined in Title 34-B, section 5001, subsection 3. Violation of this paragraph is a Class C crime;</p> <p>S. The other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor, who is at least 21 years of age, is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled. Violation of this paragraph is a Class E crime;</p> <p>T. The other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor, who is at least 21 years of age, is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled and the sexual contact includes penetration. Violation of this paragraph is a Class D crime;</p> <p>U. The actor is a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the actor's spouse, is a patient or client of the actor for mental health therapy. As used in this paragraph, "mental health therapy" means psychotherapy or other treatment modalities intended to change behavior, emotions or attitudes and based upon an intimate relationship involving trust and dependency with a substantial potential for vulnerability and abuse. Violation of this paragraph is a Class D crime; or</p> <p>V. The actor is a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the actor's spouse, is a patient or client of the actor for mental health therapy and the sexual contact includes penetration. As used in this paragraph, "mental health therapy" means psychotherapy or other treatment modalities intended to change behavior, emotions or attitudes and based upon an intimate relationship involving trust and dependency with a substantial potential for vulnerability and abuse. Violation of this paragraph is a Class C crime.</p>	

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	<p>Visual Sexual Aggression Against Child ME. REV. STAT. ANN. tit. 17-A, § 256 (2005).</p>	<p>1. A person is guilty of visual sexual aggression against a child if:</p> <p>A. For the purpose of arousing or gratifying sexual desire or for the purpose of causing affront or alarm, the actor, having in fact attained 18 years of age, exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor and the other person, not the actor's spouse, has not in fact attained 14 years of age. Violation of this paragraph is a Class D crime; or</p> <p>B. For the purpose of arousing or gratifying sexual desire, the actor, having in fact attained 18 years of age, exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor and the other person, not the actor's spouse, has not in fact attained 12 years of age. Violation of this paragraph is a Class C crime.</p>	<p>Up to 1 year, unless child is under 12 years old then up to 5 years.</p>
	<p>Unlawful Sexual Touching ME. REV. STAT. ANN. tit. 17-A, § 260 (2005).</p>	<p>A person is guilty of unlawful sexual touching if the actor intentionally subjects another person to any sexual touching and:</p> <p>A. The other person has not expressly or impliedly acquiesced in the sexual touching. Violation of this paragraph is a Class D crime;</p> <p>B. The other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual touching. Violation of this paragraph is a Class D crime;</p> <p>C. The other person, not the actor's spouse, is in fact less than 14 years of age and the actor is at least 5 years older. Violation of this paragraph is a Class D crime;</p> <p>D. The other person suffers from a mental disability that is reasonably apparent or known to the actor that in fact renders the other person substantially incapable of appraising the nature of the touching involved or of understanding that the other person has the right to deny or withdraw consent. Violation of this paragraph is a Class D crime;</p> <p>E. The other person, not the actor's spouse, is in official custody as a probationer or parolee or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person. Violation of this paragraph is a Class D crime;</p> <p>F. The other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class D crime;</p> <p>G. The other person is in fact less than 18 years of age and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of that other person. Violation of this paragraph is a Class D crime;</p> <p>H. The other person submits as a result of compulsion. Violation of this paragraph is a Class D crime;</p> <p>I. The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that other person as a person with mental retardation. It is an affirmative defense to prosecution under this paragraph that the actor receives services for mental retardation or is a person with mental retardation as defined in Title 34-B, section 5001, subsection 3. Violation of this</p>	<p>Class D: Less than 1 year Class E: Less than 6 months</p>

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		<p>paragraph is a Class D crime;</p> <p>J. The other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor, who is at least 21 years of age, is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled. Violation of this paragraph is a Class E crime; or</p> <p>K. The actor is a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the actor's spouse, is a patient or client of the actor for mental health therapy. As used in this paragraph, "mental health therapy" means psychotherapy or other treatment modalities intended to change behavior, emotions or attitudes and based upon an intimate relationship involving trust and dependency with a substantial potential for vulnerability and abuse. Violation of this paragraph is a Class D crime.</p>	
<p>Maryland</p>	<p><u>Definitions</u> MD. CODE ANN., CRIM. LAW § 3- 301 (2006).</p>	<p>(a) In this subtitle the following words have the meanings indicated.</p> <p>(b) "Mentally defective individual" means an individual who suffers from mental retardation or a mental disorder, either of which temporarily or permanently renders the individual substantially incapable of:</p> <ol style="list-style-type: none"> (1) appraising the nature of the individual's conduct; (2) resisting vaginal intercourse, a sexual act, or sexual contact; or (3) communicating unwillingness to submit to vaginal intercourse, a sexual act, or sexual contact. <p>(c) "Mentally incapacitated individual" means an individual who, because of the influence of a drug, narcotic, or intoxicating substance, or because of an act committed on the individual without the individual's consent or awareness, is rendered substantially incapable of:</p> <ol style="list-style-type: none"> (1) appraising the nature of the individual's conduct; or (2) resisting vaginal intercourse, a sexual act, or sexual contact. <p>(d) "Physically helpless individual" means an individual who:</p> <ol style="list-style-type: none"> (1) is unconscious; or (2) (i) does not consent to vaginal intercourse, a sexual act, or sexual contact; and (ii) is physically unable to resist, or communicate unwillingness to submit to, vaginal intercourse, a sexual act, or sexual contact. <p>(e) (1) "Sexual act" means any of the following acts, regardless of whether semen is emitted:</p> <ol style="list-style-type: none"> (i) anilingus; (ii) cunnilingus; (iii) fellatio; (iv) anal intercourse, including penetration, however slight, of the anus; or (v) an act: <ol style="list-style-type: none"> 1. in which an object penetrates, however slightly, into another individual's genital opening or anus; and 2. that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party. 	<p>N/A</p>

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		<p>(2) "Sexual act" does not include:</p> <ul style="list-style-type: none"> (i) vaginal intercourse; or (ii) an act in which an object penetrates an individual's genital opening or anus for an accepted medical purpose. <p>(f) (1) "Sexual contact", as used in §§ 3-307 and 3-308 of this subtitle, means an intentional touching of the victim's or actor's genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.</p> <p>(2) "Sexual contact" includes an act:</p> <ul style="list-style-type: none"> (i) in which a part of an individual's body, except the penis, mouth, or tongue, penetrates, however slightly, into another individual's genital opening or anus; and (ii) that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party. <p>(3) "Sexual contact" does not include:</p> <ul style="list-style-type: none"> (i) a common expression of familial or friendly affection; or (ii) an act for an accepted medical purpose. <p>(g) (1) "Vaginal intercourse" means genital copulation, whether or not semen is emitted.</p> <p>(2) "Vaginal intercourse" includes penetration, however slight, of the vagina.</p>	
	<p>2° Rape MD. CODE ANN., CRIM. LAW § 3-304 (2006).</p>	<p>(a) A person may not engage in vaginal intercourse with another:</p> <ul style="list-style-type: none"> (1) by force, or the threat of force, without the consent of the other; (2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or (3) if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim. <p>(b) A person who violates this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment not exceeding 20 years. .</p>	<p>Up to 20 years</p>
	<p>1° Sexual Offense MD. CODE ANN., CRIM. LAW § 3-305 (2006).</p>	<p>(a) A person may not:</p> <ul style="list-style-type: none"> (1) engage in a sexual act with another by force, or the threat of force, without the consent of the other; and (2) (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon; (ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime; (iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; (iv) commit the crime while aided and abetted by another; or (v) commit the crime in connection with a burglary in the first, second, or third degree. 	<p>Up to Life, unless committed while displaying a dangerous weapon, or serious physical injury of a person, or threatens serious</p>

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		<p>(b) A person may not violate subsection (a) of this section while also violating § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.</p> <p>(c) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life.</p> <p>(2) A person who violates subsection (b) of this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole.</p> <p>(3) A person who violates this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if the defendant was previously convicted of violating this section or § 3-303 of this subtitle.</p> <p>(d) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection (c)(2) or (3) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.</p>	<p>physical injury, or aided and abetted by another, or committed in connection with burglary, then up to Life Without Parole.</p>
	<p>2° Sexual Offense MD. CODE ANN., CRIM. LAW § 3-306 (2006).</p>	<p>(a) A person may not engage in a sexual act with another:</p> <p>(1) by force, or the threat of force, without the consent of the other;</p> <p>(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the sexual act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or</p> <p>(3) if the victim is under the age of 14 years, and the person performing the sexual act is at least 4 years older than the victim.</p> <p>(b) A person who violates this section is guilty of the felony of sexual offense in the second degree and on conviction is subject to imprisonment not exceeding 20 years.</p>	<p>Up to 20 years.</p>
	<p>3° Sexual Offense MD. CODE ANN., CRIM. LAW § 3-307 (2006).</p>	<p>(a) A person may not:</p> <p>(1) (i) engage in sexual contact with another without the consent of the other; and (ii) 1. employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;</p> <p>2. suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;</p> <p>3. threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or</p> <p>4. commit the crime while aided and abetted by another;</p> <p>(2) engage in sexual contact with another if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual;</p> <p>(3) engage in sexual contact with another if the victim is under the age of 14 years, and the person</p>	<p>Up to 10 years</p>

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		<p>performing the sexual contact is at least 4 years older than the victim;</p> <p>(4) engage in a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old; or</p> <p>(5) engage in vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 21 years old.</p> <p>(b) A person who violates this section is guilty of the felony of sexual offense in the third degree and on conviction is subject to imprisonment not exceeding 10 years.</p>	
	<p>4° Sexual Offense MD. CODE ANN., CRIM. LAW § 3-308 (2006).</p>	<p>(a) A person may not engage in:</p> <p>(1) sexual contact with another without the consent of the other;</p> <p>(2) except as provided in § 3-307(a)(4) of this subtitle, a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 4 years older than the victim; or</p> <p>(3) except as provided in § 3-307(a)(5) of this subtitle, vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 4 years older than the victim.</p> <p>(b) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of the misdemeanor of sexual offense in the fourth degree and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.</p> <p>(2) (i) On conviction of a violation of this section, a person who has been convicted on a prior occasion not arising from the same incident of a violation of §§ 3-303 through 3-312 or § 3-315 of this subtitle or § 3-602 of this title is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.</p> <p>(ii) If the State intends to proceed against a person under subparagraph (i) of this paragraph, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.</p>	Up to 1 year.
	<p>Sexual conduct between correctional or juvenile justice employee and inmate or confined child MD. CODE ANN., CRIM. LAW § 3-314 (2006).</p>	<p>(a) (1) In this section the following words have the meanings indicated.</p> <p>(2) (i) "Correctional employee" means a:</p> <ol style="list-style-type: none"> 1. correctional officer, as defined in § 8-201 of the Correctional Services Article; or 2. managing official or deputy managing official of a correctional facility. <p>(ii) "Correctional employee" includes a sheriff, warden, or other official who is appointed or employed to supervise a correctional facility.</p> <p>(3) (i) "Inmate" has the meaning stated in § 1-101 of this article.</p> <p>(ii) "Inmate" includes an individual confined in a community adult rehabilitation center.</p> <p>(b) A correctional employee may not engage in vaginal intercourse or a sexual act with an inmate.</p> <p>(c) An employee or licensee of the Department of Juvenile Services may not engage in vaginal intercourse or a sexual act with an individual confined in a child care institution licensed by the Department, a detention center for juveniles, or a facility for juveniles listed in Article 83C, § 2-117(a)(2) of the Code.</p> <p>(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both.</p> <p>(e) A sentence imposed for violation of this section may be separate from and consecutive to or concurrent</p>	Up to 3 years

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State	Offense	Offenses	Penalty
	Sexual Solicitation of Minors MD. CODE ANN., CRIM. LAW § 3-324 (2006).	with a sentence for another crime under §§ 3-303 through 3-312 of this subtitle. (a) In this section, "solicit" means to command, authorize, urge, entice, request, or advise a person by any means, including: (1) in person; (2) through an agent or agency; (3) over the telephone; (4) through any print medium; (5) by mail; (6) by computer or Internet; or (7) by any other electronic means. Prohibited (b) A person may not, with the intent to commit a violation of § 3-304, § 3-306, or § 3-307 of this subtitle, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3-304, § 3-306, or § 3-307 of this subtitle.	Up to 10 years
Massachusetts	Indecent Assault and Battery on Child Under 14 MASS. ANN. LAWS ch. 265, § 13B (2006).	Whoever commits an indecent assault and battery on a child under the age of fourteen shall be punished by imprisonment in the state prison for not more than ten years, or by imprisonment in a jail or house of correction for not more than two and one-half years; and whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for life or any term of years; provided, however, that a prosecution commenced under the provisions of this section shall not be placed on file or continued without a finding.	Up to 2.5 years
	Rape of Child MASS. ANN. LAWS ch. 265, § 22A (2006).	Whoever has sexual intercourse or unnatural sexual intercourse with a child under sixteen, and compels said child to submit by force and against his will or compels said child to submit by threat of bodily injury, shall be punished by imprisonment in the state prison for life or for any term of years; and whoever over the age of eighteen commits a second or subsequent such offense shall be sentenced to the state prison for life or for any term of years, but not less than five years; provided, however, that a prosecution commenced under the provisions of this section shall not be placed on file or continued without a finding. Whoever commits any offense described in this section while armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be sentenced to the state prison for life or for any term of years, but not less than ten years. Whoever over the age of 18 commits a second or subsequent such offense shall be sentenced to the state prison for life or for any term of years, but not less than 20 years.	Up to Life.
	Rape and Abuse of Child MASS. ANN. LAWS ch. 265, §23 (2006).	Whoever unlawfully has sexual intercourse or unnatural sexual intercourse, and abuses a child under sixteen years of age shall, for the first offense, be punished by imprisonment in the state prison for life or for any term of years, or, except as otherwise provided, for any term in a jail or house of correction, and for the second or subsequent offense by imprisonment in the state prison for life or for any term of years, but not less than five years; provided, however, that a prosecution commenced under the provisions of this section shall not be placed on file or continued without a finding.	Life
	Assault of Child;	Whoever assaults a child under sixteen with intent to commit a rape, as defined in section thirty-nine of	Up to Life

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	Intent to Commit Rape MASS. ANN. LAWS ch. 265, § 24B (2006).	chapter two hundred and seventy-seven, shall be punished by imprisonment in the state prison for life or for any term of years; and whoever over the age of eighteen commits a subsequent such offense shall be punished by imprisonment in the state prison for life or for any term of years but not less than five years. Whoever commits any offense described in this section while being armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be punished by imprisonment in the state prison for life or for any term of years, but not less than ten years. Whoever over the age of 18 commits a second or subsequent such offense shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 15 years.	
	Inducing Person Under 18 to have sexual intercourse MASS. ANN. LAWS ch. 272, § 4 (2006).	Whoever induces any person under 18 years of age of chaste life to have unlawful sexual intercourse shall be punished by imprisonment in the state prison for not more than three years or in a jail or house of correction for not more than two and one-half years or by a fine of not more than \$1,000 or by both such fine and imprisonment.	Up to 3 years
	Unnatural and Lascivious Acts with Child Under 16 MASS. ANN. LAWS ch. 272, § 35A (2006).	Whoever commits any unnatural and lascivious act with a child under the age of sixteen shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the state prison for not more than five years or in jail or the house of correction for not more than two and one half years, and whoever over the age of eighteen commits a second or subsequent such offence shall be sentenced to imprisonment in the state prison for a term of not less than five years.	Up to 5 years
Michigan	Definitions MICH. COMP. LAWS SERV. § 750.520a (2006).	As used in this chapter: (a) "Actor" means a person accused of criminal sexual conduct. (b) "Developmental disability" means an impairment of general intellectual functioning or adaptive behavior which meets the following criteria: (i) It originated before the person became 18 years of age. (ii) It has continued since its origination or can be expected to continue indefinitely. (iii) It constitutes a substantial burden to the impaired person's ability to perform in society. (iv) It is attributable to 1 or more of the following: (A) Mental retardation, cerebral palsy, epilepsy, or autism. (B) Any other condition of a person found to be closely related to mental retardation because it produces a similar impairment or requires treatment and services similar to those required for a person who is mentally retarded. (c) "Intimate parts" includes the primary genital area, groin, inner thigh, buttock, or breast of a human being. (d) "Mental health professional" means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b. (e) "Mental illness" means a substantial disorder of thought or mood which significantly impairs judgment,	N/A

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		<p>behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.</p> <p>(f) "Mentally disabled" means that a person has a mental illness, is mentally retarded, or has a developmental disability.</p> <p>(g) "Mentally incapable" means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of his or her conduct.</p> <p>(h) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or other substance administered to that person without his or her consent, or due to any other act committed upon that person without his or her consent.</p> <p>(i) "Mentally retarded" means significantly subaverage general intellectual functioning which originates during the developmental period and is associated with impairment in adaptive behavior.</p> <p>(j) "Nonpublic school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.</p> <p>(k) "Physically helpless" means that a person is unconscious, asleep, or for any other reason is physically unable to communicate unwillingness to an act.</p> <p>(l) "Personal injury" means bodily injury, disfigurement, mental anguish, chronic pain, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.</p> <p>(m) "Public school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.</p> <p>(n) "Sexual contact" includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for:</p> <p>(i) Revenge.</p> <p>(ii) To inflict humiliation.</p> <p>(iii) Out of anger.</p> <p>(o) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.</p> <p>(p) "Victim" means the person alleging to have been subjected to criminal sexual conduct.</p>	
	<p>1^o Criminal Sexual Conduct MICH. COMP. LAWS SERV. § 750.520b (2006).</p>	<p>(1) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with another person and if any of the following circumstances exists:</p> <p>(a) That other person is under 13 years of age.</p> <p>(b) That other person is at least 13 but less than 16 years of age and any of the following:</p> <p>(i) The actor is a member of the same household as the victim.</p> <p>(ii) The actor is related to the victim by blood or affinity to the fourth degree.</p> <p>(iii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.</p>	<p>Up to Life</p>

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		<p>(iv) The actor is a teacher, substitute teacher, or administrator of the public or nonpublic school in which that other person is enrolled.</p> <p>(c) Sexual penetration occurs under circumstances involving the commission of any other felony.</p> <p>(d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:</p> <p>(i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.</p> <p>(ii) The actor uses force or coercion to accomplish the sexual penetration. Force or coercion includes but is not limited to any of the circumstances listed in subdivision (f)(i) to (v).</p> <p>(e) The actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.</p> <p>(f) The actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes but is not limited to any of the following circumstances:</p> <p>(i) When the actor overcomes the victim through the actual application of physical force or physical violence.</p> <p>(ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats.</p> <p>(iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat. As used in this subdivision, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.</p> <p>(iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.</p> <p>(v) When the actor, through concealment or by the element of surprise, is able to overcome the victim.</p> <p>(g) The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.</p> <p>(h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:</p> <p>(i) The actor is related to the victim by blood or affinity to the fourth degree.</p> <p>(ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.</p> <p>(2) Criminal sexual conduct in the first degree is a felony punishable by imprisonment in the state prison for life or for any term of years.</p>	
	<p>2° Criminal Sexual Conduct MICH. COMP. LAWS SERV. § 750.520c (2006).</p>	<p>(1) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:</p> <p>(a) That other person is under 13 years of age.</p> <p>(b) That other person is at least 13 but less than 16 years of age and any of the following:</p> <p>(i) The actor is a member of the same household as the victim.</p> <p>(ii) The actor is related by blood or affinity to the fourth degree to the victim.</p> <p>(iii) The actor is in a position of authority over the victim and the actor used this authority to coerce the victim to submit.</p>	<p>Up to 15 years</p>

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		<p>(iv) The actor is a teacher, substitute teacher, or administrator of the public or nonpublic school in which that other person is enrolled.</p> <p>(c) Sexual contact occurs under circumstances involving the commission of any other felony.</p> <p>(d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:</p> <p>(i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.</p> <p>(ii) The actor uses force or coercion to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in sections 520b(1)(f)(i) to (v).</p> <p>(e) The actor is armed with a weapon, or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon.</p> <p>(f) The actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f)(i) to (v).</p> <p>(g) The actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.</p> <p>(h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:</p> <p>(i) The actor is related to the victim by blood or affinity to the fourth degree.</p> <p>(ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.</p> <p>(i) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, the department of corrections who knows that the other person is under the jurisdiction of the department of corrections.</p> <p>(j) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, a private vendor that operates a youth correctional facility under section 20g of 1953 PA 232, MCL 791.220g, who knows that the other person is under the jurisdiction of the department of corrections.</p> <p>(k) That other person is a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work program or other probationary program and the actor is an employee or a contractual employee of or a volunteer with the county or the department of corrections who knows that the other person is under the county's jurisdiction.</p> <p>(l) The actor knows or has reason to know that a court has detained the victim in a facility while the victim is awaiting a trial or hearing, or committed the victim to a facility as a result of the victim having been found responsible for committing an act that would be a crime if committed by an adult, and the actor is an employee or contractual employee of, or a volunteer with, the facility in which the victim is detained or to which the victim was committed.</p> <p>(2) Criminal sexual conduct in the second degree is a felony punishable by imprisonment for not more than 15 years.</p>	

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State	Offense	Offenses	Penalty
	<p>3° Criminal Sexual Conduct MICH. COMP. LAWS SERV. § 750.520d (2006).</p>	<p>(1) A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exist:</p> <ul style="list-style-type: none"> (a) That other person is at least 13 years of age and under 16 years of age. (b) Force or coercion is used to accomplish the sexual penetration. Force or coercion includes but is not limited to any of the circumstances listed in section 520b(1)(f)(i) to (v). (c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless. (d) That other person is related to the actor by blood or affinity to the third degree and the sexual penetration occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation. (e) That other person is at least 16 years of age but less than 18 years of age and a student at a public or nonpublic school, and the actor is a teacher, substitute teacher, or administrator of that public or nonpublic school. This subdivision does not apply if the other person is emancipated or if both persons are lawfully married to each other at the time of the alleged violation. <p>(2) Criminal sexual conduct in the third degree is a felony punishable by imprisonment for not more than 15 years.</p>	<p>Up to 15 years</p>
	<p>4° Criminal Sexual Conduct MICH. COMP. LAWS SERV. § 750.520e (2006).</p>	<p>(1) A person is guilty of criminal sexual conduct in the fourth degree if he or she engages in sexual contact with another person and if any of the following circumstances exist:</p> <ul style="list-style-type: none"> (a) That other person is at least 13 years of age but less than 16 years of age, and the actor is 5 or more years older than that other person. (b) Force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the following circumstances: <ul style="list-style-type: none"> (i) When the actor overcomes the victim through the actual application of physical force or physical violence. (ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute that threat. (iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute that threat. As used in this subparagraph, “to retaliate” includes threats of physical punishment, kidnapping, or extortion. (iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable. (v) When the actor achieves the sexual contact through concealment or by the element of surprise. (c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless. (d) That other person is related to the actor by blood or affinity to the third degree and the sexual contact occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a 	<p>Up to 2 years</p>

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		<p>prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.</p> <p>(e) The actor is a mental health professional and the sexual contact occurs during or within 2 years after the period in which the victim is his or her client or patient and not his or her spouse. The consent of the victim is not a defense to a prosecution under this subdivision. A prosecution under this subsection shall not be used as evidence that the victim is mentally incompetent.</p> <p>(f) That other person is at least 16 years of age but less than 18 years of age and a student at a public or nonpublic school, and the actor is a teacher, substitute teacher, or administrator of that public or nonpublic school. This subdivision does not apply if the other person is emancipated or if both persons are lawfully married to each other at the time of the alleged violation.</p> <p>(2) Criminal sexual conduct in the fourth degree is a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$500.00, or both.</p>	
Minnesota	<p>Definitions MINN. STAT. § 609.341 (2005).</p>	<p>Subdivision 1. Scope. For the purposes of sections 609.341 to 609.351, the terms in this section have the meanings given them.</p> <p>Subd. 2. Actor. "Actor" means a person accused of criminal sexual conduct.</p> <p>Subd. 3. Force. "Force" means the infliction, attempted infliction, or threatened infliction by the actor of bodily harm or commission or threat of any other crime by the actor against the complainant or another, which (a) causes the complainant to reasonably believe that the actor has the present ability to execute the threat and (b) if the actor does not have a significant relationship to the complainant, also causes the complainant to submit.</p> <p>Subd. 4. Consent. (a) "Consent" means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.</p> <p>(b) A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act.</p> <p>(c) Corroboration of the victim's testimony is not required to show lack of consent.</p> <p>Subd. 5. Intimate parts. "Intimate parts" includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being.</p> <p>Subd. 6. Mentally impaired. "Mentally impaired" means that a person, as a result of inadequately developed or impaired intelligence or a substantial psychiatric disorder of thought or mood, lacks the judgment to give a reasoned consent to sexual contact or to sexual penetration.</p> <p>Subd. 7. Mentally incapacitated. "Mentally incapacitated" means that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person's agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration.</p>	N/A

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		<p>Subd. 8. Personal injury. "Personal injury" means bodily harm as defined in section 609.02, subdivision 7, or severe mental anguish or pregnancy.</p> <p>Subd. 9. Physically helpless. "Physically helpless" means that a person is (a) asleep or not conscious, (b) unable to withhold consent or to withdraw consent because of a physical condition, or (c) unable to communicate nonconsent and the condition is known or reasonably should have been known to the actor.</p> <p>Subd. 10. Position of authority. "Position of authority" includes but is not limited to any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties or responsibilities to a child, or a person who is charged with any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of the act. For the purposes of subdivision 11, "position of authority" includes a psychotherapist.</p> <p>Subd. 11. Sexual contact. (a) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to (m), includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:</p> <ul style="list-style-type: none"> (i) the intentional touching by the actor of the complainant's intimate parts, or (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by a person in a position of authority, or by coercion, or by inducement if the complainant is under 13 years of age or mentally impaired, or (iii) the touching by another of the complainant's intimate parts effected by coercion or by a person in a position of authority, or (iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts. <p>(b) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (g) and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts committed with sexual or aggressive intent:</p> <ul style="list-style-type: none"> (i) the intentional touching by the actor of the complainant's intimate parts; (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts; (iii) the touching by another of the complainant's intimate parts; or (iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts. <p>(c) "Sexual contact with a person under 13" means the intentional touching of the complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.</p> <p>Subd. 12. Sexual penetration. "Sexual penetration" means any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, whether or not emission of semen occurs:</p> <ul style="list-style-type: none"> (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or 	

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		<p>(2) any intrusion however slight into the genital or anal openings:</p> <p>(i) of the complainant's body by any part of the actor's body or any object used by the actor for this purpose;</p> <p>(ii) of the complainant's body by any part of the body of the complainant, by any part of the body of another person, or by any object used by the complainant or another person for this purpose, when effected by a person in a position of authority, or by coercion, or by inducement if the child is under 13 years of age or mentally impaired; or</p> <p>(iii) of the body of the actor or another person by any part of the body of the complainant or by any object used by the complainant for this purpose, when effected by a person in a position of authority, or by coercion, or by inducement if the child is under 13 years of age or mentally impaired.</p> <p>Subd. 13. Complainant. "Complainant" means a person alleged to have been subjected to criminal sexual conduct, but need not be the person who signs the complaint.</p> <p>Subd. 14. Coercion. "Coercion" means the use by the actor of words or circumstances that cause the complainant reasonably to fear that the actor will inflict bodily harm upon the complainant or another, or the use by the actor of confinement, or superior size or strength, against the complainant that causes the complainant to submit to sexual penetration or contact against the complainant's will. Proof of coercion does not require proof of a specific act or threat.</p> <p>Subd. 15. Significant relationship. "Significant relationship" means a situation in which the actor is:</p> <p>(1) the complainant's parent, stepparent, or guardian;</p> <p>(2) any of the following persons related to the complainant by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or</p> <p>(3) an adult who jointly resides intermittently or regularly in the same dwelling as the complainant and who is not the complainant's spouse.</p> <p>Subd. 16. Patient. "Patient" means a person who seeks or obtains psychotherapeutic services.</p> <p>Subd. 17. Psychotherapist. "Psychotherapist" means a person who is or purports to be a physician, psychologist, nurse, chemical dependency counselor, social worker, marriage and family therapist, licensed professional counselor, or other mental health service provider; or any other person, whether or not licensed by the state, who performs or purports to perform psychotherapy.</p> <p>Subd. 18. Psychotherapy. "Psychotherapy" means the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.</p> <p>Subd. 19. Emotionally dependent. "Emotionally dependent" means that the nature of the former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to know that the former patient is unable to withhold consent to sexual contact or sexual penetration by the psychotherapist.</p> <p>Subd. 20. Therapeutic deception. "Therapeutic deception" means a representation by a psychotherapist that sexual contact or sexual penetration by the psychotherapist is consistent with or part of the patient's treatment.</p>	

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		<p>Subd. 21. Special transportation. "Special transportation service" means motor vehicle transportation provided on a regular basis by a public or private entity or person that is intended exclusively or primarily to serve individuals who are vulnerable adults, handicapped, or disabled. Special transportation service includes, but is not limited to, service provided by buses, vans, taxis, and volunteers driving private automobiles.</p> <p>Subd. 22. Predatory crime. "Predatory crime" means a felony violation of section 609.185 (first-degree murder), 609.19 (second-degree murder), 609.195 (third-degree murder), 609.20 (first-degree manslaughter), 609.205 (second-degree manslaughter), 609.221 (first-degree assault), 609.222 (second-degree assault), 609.223 (third-degree assault), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.25 (kidnapping), 609.255 (false imprisonment), 609.498 (tampering with a witness), 609.561 (first-degree arson), or 609.582, subdivision 1 (first-degree burglary).</p>	
	<p>1° Criminal Sexual Conduct MINN. STAT. § 609.342 (2005).</p>	<p>Subdivision 1. Crime defined. A person who engages in sexual penetration with another person, or in sexual contact with a person under 13 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:</p> <p>(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</p> <p>(b) the complainant is at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</p> <p>(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;</p> <p>(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;</p> <p>(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:</p> <p>(i) the actor uses force or coercion to accomplish sexual penetration; or</p> <p>(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;</p> <p>(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:</p> <p>(i) an accomplice uses force or coercion to cause the complainant to submit; or</p> <p>(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;</p> <p>(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by</p>	<p>Up to 30 years</p>

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State	Offense	Offenses	Penalty
		<p>the complainant is a defense; or</p> <p>(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual penetration, and:</p> <p>(i) the actor or an accomplice used force or coercion to accomplish the penetration;</p> <p>(ii) the complainant suffered personal injury; or</p> <p>(iii) the sexual abuse involved multiple acts committed over an extended period of time.</p> <p>Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.</p> <p>Subd. 2. Penalty. (a) Except as otherwise provided in section 609.109 or 609.3455, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 30 years or to a payment of a fine of not more than \$40,000, or both.</p> <p>(b) Unless a longer mandatory minimum sentence is otherwise required by law or the Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 144 months must be imposed on an offender convicted of violating this section. Sentencing a person in a manner other than that described in this paragraph is a departure from the Sentencing Guidelines.</p> <p>(c) A person convicted under this section is also subject to conditional release under section 609.3455.</p> <p>Subd. 3. Stay. Except when imprisonment is required under section 609.109 or 609.3455, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:</p> <p>(a) a stay is in the best interest of the complainant or the family unit; and</p> <p>(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.</p> <p>If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:</p> <p>(1) incarceration in a local jail or workhouse;</p> <p>(2) a requirement that the offender complete a treatment program; and</p> <p>(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.</p>	
	<p>2^o Criminal Sexual Conduct MINN. STAT. § 609.343 (2005).</p>	<p>Subdivision 1. Crime defined. A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:</p> <p>(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;</p> <p>(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</p> <p>(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of</p>	<p>Up to 25 years</p>

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State	Offense	Offenses	Penalty
		<p>imminent great bodily harm to the complainant or another;</p> <p>(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;</p> <p>(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:</p> <p>(i) the actor uses force or coercion to accomplish the sexual contact; or</p> <p>(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;</p> <p>(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:</p> <p>(i) an accomplice uses force or coercion to cause the complainant to submit; or</p> <p>(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;</p> <p>(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or</p> <p>(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:</p> <p>(i) the actor or an accomplice used force or coercion to accomplish the contact;</p> <p>(ii) the complainant suffered personal injury; or</p> <p>(iii) the sexual abuse involved multiple acts committed over an extended period of time.</p> <p>Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.</p> <p>Subd. 2. Penalty. (a) Except as otherwise provided in section 609.109 or 609.3455, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of not more than \$35,000, or both.</p> <p>(b) Unless a longer mandatory minimum sentence is otherwise required by law or the Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 90 months must be imposed on an offender convicted of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner other than that described in this paragraph is a departure from the Sentencing Guidelines.</p> <p>(c) A person convicted under this section is also subject to conditional release under section 609.3455.</p> <p>Subd. 3. Stay. Except when imprisonment is required under section 609.109 or 609.3455, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:</p> <p>(a) a stay is in the best interest of the complainant or the family unit; and</p> <p>(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.</p>	

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State	Offense	Offenses	Penalty
		<p>If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:</p> <ul style="list-style-type: none"> (1) incarceration in a local jail or workhouse; (2) a requirement that the offender complete a treatment program; and (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent. 	
	<p>3^o Criminal Sexual Conduct MINN. STAT. § 609.344 (2005).</p>	<p>Subdivision 1. Crime defined. A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:</p> <ul style="list-style-type: none"> (a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense; (b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, the actor may be sentenced to imprisonment for not more than five years. Consent by the complainant is not a defense; (c) the actor uses force or coercion to accomplish the penetration; (d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless; (e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and: <ul style="list-style-type: none"> (i) the actor or an accomplice used force or coercion to accomplish the penetration; (ii) the complainant suffered personal injury; or (iii) the sexual abuse involved multiple acts committed over an extended period of time. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred: <ul style="list-style-type: none"> (i) during the psychotherapy session; or (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. Consent by the complainant is not a defense; 	<p>Up to 15 years</p>

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State	Offense	Offenses	Penalty
		<p>(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;</p> <p>(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;</p> <p>(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;</p> <p>(1) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:</p> <p>(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or</p> <p>(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;</p> <p>(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense; or</p> <p>(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense.</p> <p>Subd. 2. Penalty. Except as otherwise provided in section 609.3455, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 15 years or to a payment of a fine of not more than \$30,000, or both. A person convicted under this section is also subject to conditional release under section 609.3455.</p> <p>Subd. 3. Stay. Except when imprisonment is required under section 609.109 or 609.3455, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:</p> <p>(a) a stay is in the best interest of the complainant or the family unit; and</p> <p>(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.</p> <p>If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:</p> <p>(1) incarceration in a local jail or workhouse;</p> <p>(2) a requirement that the offender complete a treatment program; and</p> <p>(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.</p>	
	4 ^o Criminal	Subdivision 1. Crime defined. A person who engages in sexual contact with another person is guilty of	Up to 10 years

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State	Offense	Offenses	Penalty
	<p>Sexual Conduct MINN. STAT. § 609.345 (2005).</p>	<p>criminal sexual conduct in the fourth degree if any of the following circumstances exists:</p> <ul style="list-style-type: none"> (a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced; (b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant. Consent by the complainant to the act is not a defense. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older; (c) the actor uses force or coercion to accomplish the sexual contact; (d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless; (e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and: <ul style="list-style-type: none"> (i) the actor or an accomplice used force or coercion to accomplish the contact; (ii) the complainant suffered personal injury; or (iii) the sexual abuse involved multiple acts committed over an extended period of time. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred: <ul style="list-style-type: none"> (i) during the psychotherapy session; or (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. Consent by the complainant is not a defense; (i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist; (j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense; (k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense; (l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and: <ul style="list-style-type: none"> (i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or 	

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State	Offense	Offenses	Penalty
		<p>(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;</p> <p>(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense; or</p> <p>(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, the complainant is not married to the actor, and the sexual contact occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense.</p> <p>Subd. 2. Penalty. Except as otherwise provided in section 609.3455, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than ten years or to a payment of a fine of not more than \$20,000, or both. A person convicted under this section is also subject to conditional release under section 609.3455.</p> <p>Subd. 3. Stay. Except when imprisonment is required under section 609.109 or 609.3455, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:</p> <p>(a) a stay is in the best interest of the complainant or the family unit; and</p> <p>(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.</p> <p>If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:</p> <p>(1) incarceration in a local jail or workhouse;</p> <p>(2) a requirement that the offender complete a treatment program; and</p> <p>(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.</p>	
	<p>5^o Criminal Sexual Conduct MINN. STAT. § 609.3451 (2005).</p>	<p>Subdivision 1. Crime defined. A person is guilty of criminal sexual conduct in the fifth degree:</p> <p>(1) if the person engages in nonconsensual sexual contact; or</p> <p>(2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.</p> <p>For purposes of this section, "sexual contact" has the meaning given in section 609.341, subdivision 11, paragraph (a), clauses (i) and (iv), but does not include the intentional touching of the clothing covering the immediate area of the buttocks. Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, and the nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor, if the action is performed with sexual or aggressive intent.</p>	<p>Up to 1 year</p>

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		<p>Subd. 2. Penalty. A person convicted under subdivision 1 may be sentenced to imprisonment for not more than one year or to a payment of a fine of not more than \$3,000, or both.</p> <p>Subd. 3. Felony. A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person violates subdivision 1, clause (2), after having been previously convicted of or adjudicated delinquent for violating subdivision 1, clause (2); section 617.23, subdivision 2, clause (1); or a statute from another state in conformity with subdivision 1, clause (2), or section 617.23, subdivision 2, clause (1).</p>	
	<p>Mistreatment of persons confined MINN. STAT. § 609.23 (2005).</p>	<p>Whoever, being in charge of or employed in any institution, whether public or private, intentionally abuses or ill-treats any person confined therein who is mentally or physically disabled or who is involuntarily confined therein by order of court or other duly constituted authority may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$ 3,000, or both.</p>	<p>Maximum of 1 year</p>
<p>Mississippi</p>	<p>Statutory Rape drugging; spousal rape MISS. CODE ANN. § 97-3-65 (2006).</p>	<p>(1) The crime of statutory rape is committed when: (a) Any person seventeen (17) years of age or older has sexual intercourse with a child who: (i) Is at least fourteen (14) but under sixteen (16) years of age; (ii) Is thirty-six (36) or more months younger than the person; and (iii) Is not the person's spouse; or (b) A person of any age has sexual intercourse with a child who: (i) Is under the age of fourteen (14) years; (ii) Is twenty-four (24) or more months younger than the person; and (iii) Is not the person's spouse. (2) Neither the victim's consent nor the victim's lack of chastity is a defense to a charge of statutory rape. (3) Upon conviction for statutory rape, the defendant shall be sentenced as follows: (a) If eighteen (18) years of age or older, but under twenty-one (21) years of age, and convicted under paragraph (1)(a) of this section, to imprisonment for not more than five (5) years in the State Penitentiary or a fine of not more than Five Thousand Dollars (\$5,000.00), or both; (b) If twenty-one (21) years of age or older and convicted under paragraph (1)(a) of this section, to imprisonment of not more than thirty (30) years in the State Penitentiary or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both, for the first offense, and not more than forty (40) years in the State Penitentiary for each subsequent offense; (c) If eighteen (18) years of age or older and convicted under paragraph (1)(b) of this section, to imprisonment for life in the State Penitentiary or such lesser term of imprisonment as the court may determine, but not less than twenty (20) years. (d) If thirteen (13) years of age or older but under eighteen (18) years of age and convicted under paragraph (1)(a) or (1)(b) of this section, such imprisonment, fine or other sentence as the court, in its discretion, may determine. (4)(a) Every person who shall have forcible sexual intercourse with any person, or who shall have sexual intercourse not constituting forcible sexual intercourse or statutory rape with any person without that person's</p>	<p>If offender between 18 and 21 years old then up to 5 years. If older than 21 then up to 30 years. If younger than 18 years old, then to be determined by court.</p>

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		<p>consent by administering to such person any substance or liquid which shall produce such stupor or such imbecility of mind or weakness of body as to prevent effectual resistance, upon conviction, shall be imprisoned for life in the State Penitentiary if the jury by its verdict so prescribes; and in cases where the jury fails to fix the penalty at life imprisonment, the court shall fix the penalty at imprisonment in the State Penitentiary for any term as the court, in its discretion, may determine.</p> <p>(b) This subsection (4) shall apply whether the perpetrator is married to the victim or not.</p> <p>(5) In all cases where a victim is under the age of sixteen (16) years, it shall not be necessary to prove penetration where it is shown the genitals, anus or perineum of the child have been lacerated or torn in the attempt to have sexual intercourse with the child.</p> <p>(6) For the purposes of this section, "sexual intercourse" shall mean a joining of the sexual organs of a male and female human being in which the penis of the male is inserted into the vagina of the female.</p>	
	<p>Sexual Battery MISS. CODE ANN. § 97-3-95 (2006).</p>	<p>(1) A person is guilty of sexual battery if he or she engages in sexual penetration with:</p> <p>(a) Another person without his or her consent;</p> <p>(b) A mentally defective, mentally incapacitated or physically helpless person;</p> <p>(c) A child at least fourteen (14) but under sixteen (16) years of age, if the person is thirty-six (36) or more months older than the child; or</p> <p>(d) A child under the age of fourteen (14) years of age, if the person is twenty-four (24) or more months older than the child.</p> <p>(2) A person is guilty of sexual battery if he or she engages in sexual penetration with a child under the age of eighteen (18) years if the person is in a position of trust or authority over the child including without limitation the child's teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader or coach.</p>	<p>Up to 30 years</p>
	<p>Fondling Child MISS. CODE ANN. § 97-5-23 (2006).</p>	<p>(1) Any person above the age of eighteen (18) years, who, for the purpose of gratifying his or her lust, or indulging his or her depraved licentious sexual desires, shall handle, touch or rub with hands or any part of his or her body or any member thereof, any child under the age of sixteen (16) years, with or without the child's consent, or a mentally defective, mentally incapacitated or physically helpless person as defined in Section 97-3-97, shall be guilty of a felony and, upon conviction thereof, shall be fined in a sum not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or be committed to the custody of the State Department of Corrections not less than two (2) years nor more than fifteen (15) years, or be punished by both such fine and imprisonment, at the discretion of the court.</p> <p>(2) Any person above the age of eighteen (18) years, who, for the purpose of gratifying his or her lust, or indulging his or her depraved licentious sexual desires, shall handle, touch or rub with hands or any part of his or her body or any member thereof, any child younger than himself or herself and under the age of eighteen (18) years who is not such person's spouse, with or without the child's consent, when the person occupies a position of trust or authority over the child shall be guilty of a felony and, upon conviction thereof, shall be fined in a sum not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or be committed to the custody of the State Department of Corrections not less than two (2) years</p>	<p>2 – 15 years</p>

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		<p>nor more than fifteen (15) years, or be punished by both such fine and imprisonment, at the discretion of the court. A person in a position of trust or authority over a child includes without limitation a child's teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, leader or coach.</p> <p>(3) Upon a second conviction for an offense under this section, the person so convicted shall be punished by commitment to the State Department of Corrections for a term not to exceed twenty (20) years, however, upon conviction and sentencing, the offender shall serve at least one-half (1/2) of the sentence so imposed.</p>	
Missouri	<p>Definitions MO. REV. STAT. § 566.010 (2005).</p>	<p>The following terms mean:</p> <p>(1) "Deviate sexual intercourse", any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person;</p> <p>(2) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;</p> <p>(3) "Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;</p> <p>(4) "Sexual intercourse", any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.</p>	N/A
	<p>1° Statutory Rape MO. REV. STAT. § 566.032 (2005).</p>	<p>1. A person commits the crime of statutory rape in the first degree if he has sexual intercourse with another person who is less than fourteen years old.</p> <p>2. Statutory rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, or the victim is less than twelve years of age in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years.</p>	5 years to Life, but 10 years to Life if serious physical injury inflicted, deadly weapon displayed, or committed by more than one person, or if victim is under 12 years old
	<p>2° Statutory Rape MO. REV. STAT. § 566.034 (2005).</p>	<p>1. A person commits the crime of statutory rape in the second degree if being twenty-one years of age or older, he has sexual intercourse with another person who is less than seventeen years of age.</p> <p>2. Statutory rape in the second degree is a class C felony.</p>	Up to 7 years
	<p>1° Statutory Sodomy</p>	<p>1. A person commits the crime of statutory sodomy in the first degree if he has deviate sexual intercourse with another person who is less than fourteen years old.</p>	5 years to Life, but 10 years to

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	MO. REV. STAT. § 566.062 (2005).	2. Statutory sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, or the victim is less than twelve years of age, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years.	Life if serious physical injury inflicted, deadly weapon displayed, or committed by more than one person, or if victim is under 12 years old
	2° Statutory Sodomy MO. REV. STAT. § 566.064 (2005).	1. A person commits the crime of statutory sodomy in the second degree if being twenty-one years of age or older, he has deviate sexual intercourse with another person who is less than seventeen years of age. 2. Statutory sodomy in the second degree is a class C felony.	Up to 7 years
	1° Child Molestation MO. REV. STAT. § 566.067 (2005).	1. A person commits the crime of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact. 2. Child molestation in the first degree is a class B felony unless the actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class A felony.	5 – 15 years, but 10 – 30 years if serious physical injury inflicted or if deadly weapon displayed.
	2° Child Molestation MO. REV. STAT. § 566.068 (2005).	1. A person commits the crime of child molestation in the second degree if he or she subjects another person who is less than seventeen years of age to sexual contact. 2. Child molestation in the second degree is a class A misdemeanor unless the actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony.	Up to 1 year, but up to 4 years felony if serious physical injury inflicted or deadly weapon displayed.
	Sexual Misconduct Involving a Child MO. REV. STAT. § 566.083 (2005).	1. A person commits the crime of sexual misconduct involving a child if the person: (1) Knowingly exposes his or her genitals to a child less than fourteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child; (2) Knowingly exposes his or her genitals to a child less than fourteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; or (3) Knowingly coerces or induces a child less than fourteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child. 2. As used in this section, the term "sexual act" means any of the following, whether performed or engaged in	Up to 4 years

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		<p>either with any other person or alone: sexual or anal intercourse, masturbation, bestiality, sadism, masochism, fetishism, fellatio, cunnilingus, any other sexual activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or gratification of any individual who may view such depiction.</p> <p>3. Violation of this section is a class D felony unless the actor has previously pleaded guilty to or been convicted of an offense pursuant to this chapter or the actor has previously pleaded guilty to or has been convicted of an offense against the laws of another state or jurisdiction which would constitute an offense under this chapter, in which case it is a class C felony.</p>	
	<p>Sexual Abuse MO. REV. STAT. § 566.100 (2005).</p>	<p>1. A person commits the crime of sexual abuse if he subjects another person to sexual contact by the use of forcible compulsion.</p> <p>2. Sexual abuse is a class C felony unless in the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual contact with more than one person or the victim is less than fourteen years of age, in which case the crime is a class B felony.</p>	<p>5 – 15 years</p>
	<p>Enticement of a Child MO. REV. STAT. § 566.151 (2005).</p>	<p>1. A person at least twenty-one years of age or older commits the crime of enticement of a child if that person persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the Internet or any electronic communication, any person who is less than fifteen years of age for the purpose of engaging in sexual conduct with a child.</p> <p>2. It is not an affirmative defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.</p> <p>3. Attempting to entice a child is a class D felony.</p> <p>4. Enticement of a child is a class C felony unless the person has previously pled guilty to or been found guilty of violating the provisions of this section, section 568.045, 568.050, or 568.060, RSMo, or this chapter, in which case it is a class B felony.</p>	<p>Up to 4 years</p>
<p>Montana</p>	<p>Sexual Assault MONT. CODE ANN. § 45-5-502 (2005).</p>	<p>(1) A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault.</p> <p>(2) A person convicted of sexual assault shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.</p> <p>(3) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual assault, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years and may be fined not more than \$50,000.</p> <p>(4) An act "in the course of committing sexual assault" includes an attempt to commit the offense or flight after the attempt or commission.</p> <p>(5) Consent is ineffective under this section if:</p> <p>(a) the victim is incarcerated in an adult or juvenile correctional, detention, or treatment facility and the perpetrator is an employee, contractor, or volunteer of the facility and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search; or</p>	<p>4 years to Life</p>

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	<p>Sexual Intercourse Without Consent MONT. CODE ANN. § 45-5-503 (2005).</p>	<p>(b) the victim is less than 14 years old and the offender is 3 or more years older than the victim.</p> <p>(1) A person who knowingly has sexual intercourse without consent with another person commits the offense of sexual intercourse without consent. A person may not be convicted under this section based on the age of the person's spouse, as provided in 45-5-501(1)(b)(iv).</p> <p>(2) A person convicted of sexual intercourse without consent shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 2 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222.</p> <p>(3) (a) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual intercourse without consent, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222.</p> <p>(b) If two or more persons are convicted of sexual intercourse without consent with the same victim in an incident in which each offender was present at the location where another offender's offense occurred during a time period in which each offender could have reasonably known of the other's offense, each offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 5 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222.</p> <p>(c) If the offender was previously convicted of an offense under this section or of an offense under the laws of another state or of the United States that if committed in this state would be an offense under this section and if the offender inflicted serious bodily injury upon a person in the course of committing each offense, the offender shall be:</p> <p>(i) punished by death as provided in 46-18-301 through 46-18-310, unless the offender is less than 18 years of age at the time of the commission of the offense; or</p> <p>(ii) punished as provided in 46-18-219.</p> <p>(d) If the victim was incarcerated in an adult or juvenile correctional, detention, or treatment facility at the time of the offense and the offender had supervisory or disciplinary authority over the victim, the offender shall be punished by imprisonment in the state prison for a term of not more than 5 years or fined an amount not to exceed \$50,000, or both.</p> <p>(4) In addition to any sentence imposed under subsection (2) or (3), after determining the financial resources and future ability of the offender to pay restitution as required by 46-18-242, the court shall require the offender, if able, to pay the victim's reasonable medical and counseling costs that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244.</p> <p>(5) As used in subsection (3), an act "in the course of committing sexual intercourse without consent" includes an attempt to commit the offense or flight after the attempt or commission.</p>	<p>4 years to life</p>
Nebraska	Definitions	As used in sections 28-317 to 28-321, unless the context otherwise requires:	

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	NEB. REV. STAT. ANN. § 28-318 (2005).	<p>(1) Actor means a person accused of sexual assault;</p> <p>(2) Intimate parts means the genital area, groin, inner thighs, buttocks, or breasts;</p> <p>(3) Past sexual behavior means sexual behavior other than the sexual behavior upon which the sexual assault is alleged;</p> <p>(4) Serious personal injury means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ;</p> <p>(5) Sexual contact means the intentional touching of the victim's sexual or intimate parts or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact shall also mean the touching by the victim of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts when such touching is intentionally caused by the actor. Sexual contact shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Sexual contact shall also include the touching of a child with the actor's sexual or intimate parts on any part of the child's body for purposes of sexual assault of a child under section 28-320.01;</p> <p>(6) Sexual penetration means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's or victim's body or any object manipulated by the actor into the genital or anal openings of the victim's body which can be reasonably construed as being for nonmedical or nonhealth purposes. Sexual penetration shall not require emission of semen;</p> <p>(7) Victim means the person alleging to have been sexually assaulted;</p> <p>(8) Without consent means:</p> <p>(a)(i) The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor;</p> <p>(b) The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and</p> <p>(c) A victim need not resist verbally or physically where it would be useless or futile to do so; and</p> <p>(9) Force or threat of force means (a) the use of physical force which overcomes the victim's resistance or (b) the threat of physical force, express or implied, against the victim or a third person that places the victim in fear of death or in fear of serious personal injury to the victim or a third person where the victim reasonably believes that the actor has the present or future ability to execute the threat.</p>	
	<p>1° Sexual Assault NEB. REV. STAT. ANN. § 28-319 (2005).</p>	<p>(1) Any person who subjects another person to sexual penetration (a) without consent of the victim, or (b) who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) when the actor is nineteen years of age or older and the victim is less than sixteen years of age is guilty of sexual assault in the first degree.</p> <p>(2) Sexual assault in the first degree is a Class II felony. The sentencing judge shall consider whether the actor caused serious personal injury to the victim in reaching a decision on the sentence.</p>	1 – 50 years

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		(3) Any person who is found guilty of sexual assault in the first degree for a second time when the first conviction was pursuant to this section or any other state or federal law with essentially the same elements as this section shall be sentenced to not less than twenty-five years and shall not be eligible for parole.	
	Sexual Assault of a Child NEB. REV. STAT. ANN. § 28-320.01 (2005).	(1) A person commits sexual assault of a child if he or she subjects another person fourteen years of age or younger to sexual contact and the actor is at least nineteen years of age or older. (2) Sexual assault of a child is a Class IIIA felony for the first offense. (3) Any person who is found guilty of sexual assault of a child under this section and who has previously been convicted (a) under this section, (b) under section 28-319 of first degree or attempted first degree sexual assault, or (c) in any other state or federal court under laws with essentially the same elements as this section or section 28-319 shall be guilty of a Class IC felony.	Up to 3 years
	Debauching a Minor NEB. REV. STAT. ANN. § 28-805 (2005).	(1) Any person not a minor commits the offense of debauching a minor if he or she shall debauch or deprave the morals of any boy or girl under the age of seventeen years by: (a) Lewdly inducing such boy or girl carnally to know any other person; or (b) Soliciting any such boy or girl to visit a house of prostitution or other place where prostitution, debauchery, or other immoral practices are permitted or encouraged, for the purpose of prostitution or sexual penetration; or (c) Arranging or assisting in arranging any meeting for such purpose between any such boy or girl and any female or male of dissolute character or any inmate of any place where prostitution, debauchery, or other immoral practices are permitted or encouraged; or (d) Arranging or aiding or assisting in arranging any meeting between any such boy or girl and any other person for the purpose of sexual penetration. (2) Debauching a minor is a Class I misdemeanor.	Up to 1 year
Nevada	Definitions NEV. REV. STAT. ANN. § 200.364 (2006).	As used in NRS 200.364 to 200.3774, inclusive, unless the context otherwise requires: 1. "Perpetrator" means a person who commits a sexual assault. 2. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. 3. "Statutory sexual seduction" means: (a) Ordinary sexual intercourse, anal intercourse, cunnilingus or fellatio committed by a person 18 years of age or older with a person under the age of 16 years; or (b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons. 4. "Victim" means a person who is subjected to a sexual assault.	N/A
	Sexual Assault NEV. REV. STAT. ANN. § 200.366	1. A person who subjects another person to sexual penetration, or who forces another person to make a sexual penetration on himself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or	15 years up to Life, unless substantial

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	(2006).	<p>understanding the nature of his conduct, is guilty of sexual assault.</p> <p>2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:</p> <p>(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:</p> <p>(1) For life without the possibility of parole; or</p> <p>(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.</p> <p>(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.</p> <p>3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:</p> <p>(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.</p> <p>(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served.</p> <p>(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served.</p> <p>4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:</p> <p>(a) A sexual assault pursuant to this section or any other sexual offense against a child; or</p> <p>(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,</p> <p>is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.</p> <p>5. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:</p> <p>(a) Incest;</p> <p>(b) Lewdness with a child;</p> <p>(c) Sado-masochistic abuse; or</p> <p>(d) Luring a child using a computer, system or network, if punished as a felony.</p>	<p>bodily injury results to child, then Life Without Parole, or if victim is under 14 years old, then 20 years up to Life</p>
	<p>Statutory Sexual Seduction NEV. REV. STAT. ANN. § 200.368 (2006).</p>	<p>Except under circumstances where a greater penalty is provided in NRS 201.540, a person who commits statutory sexual seduction shall be punished:</p> <p>1. If he is 21 years of age or older, for a category C felony as provided in NRS 193.130.</p> <p>2. If he is under the age of 21 years, for a gross misdemeanor.</p>	<p>1 to 5 years if offender is 21 years or older, otherwise a up to 1 year.</p>

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	<p>Solicitation of Minor to Engage in Acts Constituting Crime Against Nature NEV. REV. STAT. ANN. § 201.195 (2006).</p>	<p>1. A person who incites, entices or solicits a minor to engage in acts which constitute the infamous crime against nature: (a) If the minor actually engaged in such acts as a result and: (1) The minor was less than 14 years of age, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served. (2) The minor was 14 years of age or older, is guilty of a category D felony and shall be punished as provided in NRS 193.130. (b) If the minor did not engage in such acts: (1) For the first offense, is guilty of a gross misdemeanor. (2) For any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.</p> <p>2. As used in this section, the "infamous crime against nature" means anal intercourse, cunnilingus or fellatio between natural persons of the same sex. Any sexual penetration, however slight, is sufficient to complete the infamous crime against nature.</p>	<p>If minor actually engaged, and was under 14 years old, then 10 years to Life. If engaged and over 14 years old, then 1 to 4 years. If minor did not engage, then up to 1 year.</p>
	<p>Lewdness with Child Under 14 Years Old NEV. REV. STAT. ANN. § 201.230 (2006).</p>	<p>1. A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of lewdness with a child.</p> <p>2. Except as otherwise provided in subsection 3, a person who commits lewdness with a child is guilty of a category A felony and shall be punished by imprisonment in the state prison for: (a) Life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000; or (b) A definite term of 20 years, with eligibility for parole after a minimum of 2 years has been served, and may further be punished by a fine of not more than \$10,000.</p> <p>3. A person who commits lewdness with a child and who has been previously convicted of: (a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or (b) An offense committed in another jurisdiction that, if committed in this state, would constitute lewdness with a child pursuant to this section or any other sexual offense against a child, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.</p> <p>4. For the purpose of this section, "other sexual offense against a child" has the meaning ascribed to it in subsection 5 of NRS 200.366.</p>	<p>10 years up to Life</p>
New Hampshire	<p>Definitions N.H. REV. STAT. ANN. § 632-A:1 (2006).</p>	<p>In this chapter: I. "Actor" means a person accused of a crime of sexual assault. I-a. "Affinity" means a relation which one spouse because of marriage has to blood relatives of the other spouse. I-b. "Genital openings" means the internal or external genitalia including, but not limited to, the vagina,</p>	<p>N/A</p>

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		<p>labia majora, labia minora, vulva, urethra or perineum.</p> <p>I-c. "Pattern of sexual assault" means committing more than one act under RSA 632-A:2 or RSA 632-A:3, or both, upon the same victim over a period of 2 months or more and within a period of 5 years.</p> <p>II. "Retaliate" means to undertake action against the interests of the victim, including, but not limited to:</p> <ul style="list-style-type: none"> (a) Physical or mental torment or abuse. (b) Kidnapping, false imprisonment or extortion. (c) Public humiliation or disgrace. <p>III. "Serious personal injury" means extensive bodily injury or disfigurement, extreme mental anguish or trauma, disease or loss or impairment of a sexual or reproductive organ.</p> <p>IV. "Sexual contact" means the intentional touching whether directly, through clothing, or otherwise, of the victim's or actor's sexual or intimate parts, including breasts and buttocks. Sexual contact includes only that aforementioned conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification.</p> <p>V. "Sexual penetration" means:</p> <ul style="list-style-type: none"> (a) Sexual intercourse; or (b) Cunnilingus; or (c) Fellatio; or (d) Anal intercourse; or (e) Any intrusion, however slight, of any part of the actor's body or any object manipulated by the actor into genital or anal openings of the victim's body; or (f) Any intrusion, however slight, of any part of the victim's body into genital or anal openings of the actor's body; (g) Any act which forces, coerces or intimidates the victim to perform any sexual penetration as defined in subparagraphs (a)-(f) on the actor, on another person, or on himself. (h) Emission is not required as an element of any form of sexual penetration. <p>VI. "Therapy" means the treatment of bodily, mental, or behavioral disorders by remedial agents or methods.</p>	
	<p>Aggravated Felonious Sexual Assault N.H. REV. STAT. ANN. § 632-A:2 (2006).</p>	<p>I. A person is guilty of the felony of aggravated felonious sexual assault if such person engages in sexual penetration with another person under any of the following circumstances:</p> <ul style="list-style-type: none"> (a) When the actor overcomes the victim through the actual application of physical force, physical violence or superior physical strength. (b) When the victim is physically helpless to resist. (c) When the actor coerces the victim to submit by threatening to use physical violence or superior physical strength on the victim, and the victim believes that the actor has the present ability to execute these threats. (d) When the actor coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim believes that the actor has the ability to execute these threats in the future. (e) When the victim submits under circumstances involving false imprisonment, kidnapping or extortion. (f) When the actor, without the prior knowledge or consent of the victim, administers or has knowledge of 	<p>10 – 20 years</p>

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		<p>another person administering to the victim any intoxicating substance which mentally incapacitates the victim.</p> <p>(g) When the actor provides therapy, medical treatment or examination of the victim and in the course of that therapeutic or treating relationship or within one year of termination of that therapeutic or treating relationship:</p> <p>(1) Acts in a manner or for purposes which are not professionally recognized as ethical or acceptable; or</p> <p>(2) Uses this position as such provider to coerce the victim to submit.</p> <p>(h) When, except as between legally married spouses, the victim is mentally defective and the actor knows or has reason to know that the victim is mentally defective.</p> <p>(i) When the actor through concealment or by the element of surprise is able to cause sexual penetration with the victim before the victim has an adequate chance to flee or resist.</p> <p>(j) When, except as between legally married spouses, the victim is 13 years of age or older and under 16 years of age and:</p> <p>(1) the actor is a member of the same household as the victim; or</p> <p>(2) the actor is related by blood or affinity to the victim.</p> <p>(k) When, except as between legally married spouses, the victim is 13 years of age or older and under 18 years of age and the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit.</p> <p>(l) When the victim is less than 13 years of age.</p> <p>(m) When at the time of the sexual assault, the victim indicates by speech or conduct that there is not freely given consent to performance of the sexual act.</p> <p>(n) When the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit under any of the following circumstances:</p> <p>(1) When the actor has direct supervisory or disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, the secure psychiatric unit, or juvenile detention facility where the actor is employed; or</p> <p>(2) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.</p> <p>Consent of the victim under any of the circumstances set forth in subparagraph (n) shall not be considered a defense.</p> <p>II. A person is guilty of aggravated felonious sexual assault without penetration when he intentionally touches whether directly, through clothing, or otherwise, the genitalia of a person under the age of 13 under circumstances that can be reasonably construed as being for the purpose of sexual arousal or gratification.</p> <p>III. A person is guilty of aggravated felonious sexual assault when such person engages in a pattern of sexual assault against another person, not the actor's legal spouse, who is less than 16 years of age. The mental state applicable to the underlying acts of sexual assault need not be shown with respect to the element of engaging in a pattern of sexual assault.</p>	

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	<p>Felonious Sexual Assault N.H. REV. STAT. ANN. § 632-A:3 (2006).</p>	<p>A person is guilty of a class B felony if such person:</p> <p>I. Subjects a person to sexual contact and causes serious personal injury to the victim under any of the circumstances named in RSA 632-A:2; or</p> <p>II. Engages in sexual penetration with a person other than his legal spouse who is 13 years of age or older and under 16 years of age; or</p> <p>III. Engages in sexual contact with a person other than his legal spouse who is under 13 years of age.</p> <p>IV. Engages in sexual contact with the person when the actor is in a position of authority over the person and uses that authority to coerce the victim to submit under any of the following circumstances:</p> <p>(a) When the actor has direct supervisory or disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, the secure psychiatric unit, or juvenile detention facility where the actor is employed; or</p> <p>(b) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.</p> <p>Consent of the victim under any of the circumstances set forth in paragraph IV shall not be considered a defense.</p>	<p>Up to 7 years</p>
	<p>Sexual Assault N.H. REV. STAT. ANN. § 632-A:4 (2006).</p>	<p>I. A person is guilty of a class A misdemeanor under any of the following circumstances:</p> <p>(a) When the actor subjects another person who is 13 years of age or older to sexual contact under any of the circumstances named in RSA 632-A:2.</p> <p>(b) When the actor subjects another person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age to sexual contact where the age difference between the actor and the other person is 5 years or more.</p> <p>(c) In the absence of any of the circumstances set forth in RSA 632-A:2, when the actor engages in sexual penetration with a person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is 3 years or less.</p> <p>II. A person found guilty under subparagraph I(c) of this section shall not be required to register as a sexual offender under RSA 651-B.</p> <p>III. A person is guilty of a misdemeanor if such person engages in sexual contact or sexual penetration with another person when the actor is in a position of authority over the person under any of the following circumstances:</p> <p>(a) When the actor has direct supervisory or disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, the secure psychiatric unit, or juvenile detention facility where the actor is employed; or</p> <p>(b) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.</p> <p>Consent of the victim under any of the circumstances set forth in paragraph III shall not be considered a defense.</p>	<p>Up to 1 year</p>

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	<p>Indecent Exposure and Lewdness N.H. REV. STAT. ANN. § 645:1 (2006).</p>	<p>I. A person is guilty of a misdemeanor if such person: (a) Fornicates, exposes his or her genitals or performs any other act of gross lewdness under circumstances which he or she should know will likely cause affront or alarm. (b) Purposely performs any act of sexual penetration or sexual contact on himself or herself or another in the presence of a child who is at least 13 years of age and less than 16 years of age.</p> <p>II. A person is guilty of a class B felony if: (a) Such person purposely performs any act of sexual penetration or sexual contact on himself or herself or another in the presence of a child who is 12 years of age or younger. (b) Having previously been convicted of an offense under subparagraph I(b), or of an offense which includes the same conduct under any other jurisdiction, the person subsequently commits an offense under subparagraph I(b).</p> <p>III. A person shall be guilty of a class A felony if: (a) Having previously been convicted of 2 or more offenses under subparagraph I(b) or II(a), or of 2 or more offenses which include the same conduct under any other jurisdiction, the person subsequently commits an offense under subparagraph I(b) or II(a).</p>	<p>Up to 1 year</p>
<p>New Jersey</p>	<p>Definitions N.J. STAT. ANN. § 2C:14-1 (2006).</p>	<p>The following definitions apply to this chapter: a. "Actor" means a person accused of an offense proscribed under this act; b. "Victim" means a person alleging to have been subjected to offenses proscribed by this act; c. "Sexual penetration" means vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon the actor's instruction. The depth of insertion shall not be relevant as to the question of commission of the crime; d. "Sexual contact" means an intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present; e. "Intimate parts" means the following body parts: sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person; f. "Severe personal injury" means severe bodily injury, disfigurement, disease, incapacitating mental anguish or chronic pain; g. "Physically helpless" means that condition in which a person is unconscious or is physically unable to flee or is physically unable to communicate unwillingness to act; h. "Mentally defective" means that condition in which a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent; i. "Mentally incapacitated" means that condition in which a person is rendered temporarily incapable of understanding or controlling his conduct due to the influence of a narcotic, anesthetic, intoxicant, or other substance administered to that person without his prior knowledge or consent, or due to any other act committed upon that person which rendered that person incapable of appraising or controlling his conduct;</p>	

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		j. "Coercion" as used in this chapter shall refer to those acts which are defined as criminal coercion in section 2C:13-5(1), (2), (3), (4), (6) and (7).	
	Aggravated Sexual Assault N.J. STAT. ANN. § 2C:14-4(a) (2006).	a. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances: (1) The victim is less than 13 years old; (2) The victim is at least 13 but less than 16 years old; and (a) The actor is related to the victim by blood or affinity to the third degree, or (b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape; (4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object; (5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion; (6) The actor uses physical force or coercion and severe personal injury is sustained by the victim; (7) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated.	10 – 20 years
	Sexual Assault N.J. STAT. ANN. § 2C:14-4(b), (c) (2006).	b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim. c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances: (1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury; (2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status; (3) The victim is at least 16 but less than 18 years old and: (a) The actor is related to the victim by blood or affinity to the third degree; or (b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.	5 – 10 years
	Aggravated Criminal Sexual Contact N.J. STAT. ANN. § 2C-14-2(a)	An actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in 2C:14-2a. (2) through(7).	3 – 5 years

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	(2006). Criminal Sexual Contact N.J. STAT. ANN. § 2C-14-2(b) (2006).	An actor is guilty of criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in section 2C:14-2c. (1) through(4).	Up to 1.5 years
	Lewdness N.J. STAT. ANN. § 2C:14-4 (2006).	a. A person commits a disorderly persons offense if he does any flagrantly lewd and offensive act which he knows or reasonably expects is likely to be observed by other non-consenting persons who would be affronted or alarmed. b. A person commits a crime of the fourth degree if: (1) He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a child who is less than 13 years of age where the actor is at least four years older than the child. (2) He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a person who because of mental disease or defect is unable to understand the sexual nature of the actor's conduct. c. As used in this section: "lewd acts" shall include the exposing of the genitals for the purpose of arousing or gratifying the sexual desire of the actor or of any other person.	Up to 6 months
	Duty to Report Abuse N.J. STAT. ANN. § 9:6-8.10 (2006).	Any person having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse shall report the same immediately to the Division of Youth and Family Services by telephone or otherwise. Such reports, where possible, shall contain the names and addresses of the child and his parent, guardian, or other person having custody and control of the child and, if known, the child's age, the nature and possible extent of the child's injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.	
New Mexico	Definitions N.M. STAT. ANN. § 30-9-10 (2006).	As used in Sections 30-9-10 through 30-9-16 NMSA 1978: A. "force or coercion" means: (1) the use of physical force or physical violence; (2) the use of threats to use physical violence or physical force against the victim or another when the victim believes that there is a present ability to execute the threats; (3) the use of threats, including threats of physical punishment, kidnapping, extortion or retaliation directed against the victim or another when the victim believes that there is an ability to execute the threats; (4) the perpetration of criminal sexual penetration or criminal sexual contact when the perpetrator knows or has reason to know that the victim is unconscious, asleep or otherwise physically helpless or suffers from a mental condition that renders the victim incapable of understanding the nature or consequences of the act; or	N/A

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		<p>(5) the perpetration of criminal sexual penetration or criminal sexual contact by a psychotherapist on his patient, with or without the patient's consent, during the course of psychotherapy or within a period of one year following the termination of psychotherapy. Physical or verbal resistance of the victim is not an element of force or coercion;</p> <p>B. "great mental anguish" means psychological or emotional damage that requires psychiatric or psychological treatment or care, either on an inpatient or outpatient basis, and is characterized by extreme behavioral change or severe physical symptoms;</p> <p>C. "patient" means a person who seeks or obtains psychotherapy;</p> <p>D. "personal injury" means bodily injury to a lesser degree than great bodily harm and includes, but is not limited to, disfigurement, mental anguish, chronic or recurrent pain, pregnancy or disease or injury to a sexual or reproductive organ;</p> <p>E. "position of authority" means that position occupied by a parent, relative, household member, teacher, employer or other person who, by reason of that position, is able to exercise undue influence over a child;</p> <p>F. "psychotherapist" means a person who is or purports to be a:</p> <ol style="list-style-type: none"> (1) licensed physician who practices psychotherapy; (2) licensed psychologist; (3) licensed social worker; (4) licensed nurse; (5) counselor; (6) substance abuse counselor; (7) psychiatric technician; (8) mental health worker; (9) marriage and family therapist; (10) hypnotherapist; or (11) minister, priest, rabbi or other similar functionary of a religious organization acting in his role as a pastoral counselor; <p>G. "psychotherapy" means professional treatment or assessment of a mental or an emotional illness, symptom or condition;</p> <p>H. "school" means any public or private school, including the New Mexico military institute, the New Mexico school for the blind and visually impaired, the New Mexico school for the deaf, the New Mexico boys' school, the New Mexico youth diagnostic and development center, the Los Lunas medical center, the Fort Stanton hospital, the New Mexico behavioral health institute at Las Vegas and the Carrie Tingley crippled children's hospital, that offers a program of instruction designed to educate a person in a particular place, manner and subject area. "School" does not include a college or university; and</p> <p>I. "spouse" means a legal husband or wife, unless the couple is living apart or either husband or wife has filed for separate maintenance or divorce.</p>	
	Enticement of a Child	<p>Enticement of child consists of:</p> <p>A. enticing, persuading or attempting to persuade a child under the age of sixteen years to enter any vehicle,</p>	Up to 1 year

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	N.M. STAT. ANN. § 30-9-1 (2006).	building, room or secluded place with intent to commit an act which would constitute a crime under Article 9 of the Criminal Code; or B. having possession of a child under the age of sixteen years in any vehicle, building, room or secluded place with intent to commit an act which would constitute a crime under Article 9 of the Criminal Code. Whoever commits enticement of child is guilty of a misdemeanor.	
	Criminal Sexual Penetration Defined N.M. STAT. ANN. § 30-9-11 (A), (B) (2006).	Criminal sexual penetration is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission. Criminal sexual penetration does not include medically indicated procedures.	N/A
	1° Criminal Sexual Penetration N.M. STAT. ANN. § 30-9-11(C) (2006).	Criminal sexual penetration in the first degree consists of all sexual penetration perpetrated: (1) on a child under thirteen years of age; or (2) by the use of force or coercion that results in great bodily harm or great mental anguish to the victim. Whoever commits criminal sexual penetration in the first degree is guilty of a first degree felony.	18 years
	2° Criminal Sexual Penetration N.M. STAT. ANN. § 30-9-11(D) (2006).	Criminal sexual penetration in the second degree consists of all criminal sexual penetration perpetrated: (1) on a child thirteen to eighteen years of age when the perpetrator is in a position of authority over the child and uses this authority to coerce the child to submit; (2) on an inmate confined in a correctional facility or jail when the perpetrator is in a position of authority over the inmate; (3) by the use of force or coercion that results in personal injury to the victim; (4) by the use of force or coercion when the perpetrator is aided or abetted by one or more persons; (5) in the commission of any other felony; or (6) when the perpetrator is armed with a deadly weapon. Whoever commits criminal sexual penetration in the second degree, is guilty of a second degree felony. Whoever commits criminal sexual penetration in the second degree when the victim is a child who is thirteen to eighteen years of age is guilty of a second degree felony for a sexual offense against a child and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a minimum term of imprisonment of three years, which shall not be suspended or deferred. The imposition of a minimum, mandatory term of imprisonment pursuant to the provisions of this subsection shall not be interpreted to preclude the imposition of sentencing enhancements pursuant to the provisions of Sections 31-18-17, 31-18-25 and 31-18-26 NMSA 1978.	9 years
	3° Criminal Sexual Penetration	Criminal sexual penetration in the third degree consists of all criminal sexual penetration perpetrated through the use of force or coercion. Whoever commits criminal sexual penetration in the third degree is guilty of a third degree felony. Whoever	3 years

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	N.M. STAT. ANN. § 30-9-11(E) (2006).	commits criminal sexual penetration in the third degree when the victim is a child who is thirteen to eighteen years of age is guilty of a third degree felony for a sexual offense against a child.	
	4° Criminal Sexual Penetration N.M. STAT. ANN. § 30-9-11(F) (2006).	Criminal sexual penetration in the fourth degree consists of all criminal sexual penetration: (1) not defined in Subsections C through E of this section perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; or (2) perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school. Whoever commits criminal sexual penetration in the fourth degree is guilty of a fourth degree felony	18 months
	Criminal Sexual Contact with a Minor, Defined 30-9-13(A) (2006).	Criminal sexual contact of a minor is the unlawful and intentional touching of or applying force to the intimate parts of a minor or the unlawful and intentional causing of a minor to touch one's intimate parts. For the purposes of this section, "intimate parts" means the primary genital area, groin, buttocks, anus or breast.	N/A
	2° Criminal Sexual Contact of a Minor N.M. STAT. ANN. § 30-9-13(B) (2006).	Criminal sexual contact of a minor in the second degree consists of all criminal sexual contact of the unclothed intimate parts of a minor perpetrated: (1) on a child under thirteen years of age; or (2) on a child thirteen to eighteen years of age when: (a) the perpetrator is in a position of authority over the child and uses that authority to coerce the child to submit; (b) the perpetrator uses force or coercion that results in personal injury to the child; (c) the perpetrator uses force or coercion and is aided or abetted by one or more persons; or (d) the perpetrator is armed with a deadly weapon. Whoever commits criminal sexual contact of a minor in the second degree is guilty of a second degree felony for a sexual offense against a child and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a minimum term of imprisonment of three years, which shall not be suspended or deferred. The imposition of a minimum, mandatory term of imprisonment pursuant to the provisions of this subsection shall not be interpreted to preclude the imposition of sentencing enhancements pursuant to the provisions of Sections 31-18-17, 31-18-25 and 31-18-26 NMSA 1978.	15 years
	3° Criminal Sexual Contact of a Minor N.M. STAT.	Criminal sexual contact of a minor in the third degree consists of all criminal sexual contact of a minor perpetrated: (1) on a child under thirteen years of age; or (2) on a child thirteen to eighteen years of age when: (a) the perpetrator is in a position of authority over the child and uses this authority to coerce the child to	6 years

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	ANN. § 30-9-13(C) (2006).	submit; (b) the perpetrator uses force or coercion which results in personal injury to the child; (c) the perpetrator uses force or coercion and is aided or abetted by one or more persons; or (d) the perpetrator is armed with a deadly weapon. Whoever commits criminal sexual contact of a minor in the third degree is guilty of a third degree felony for a sexual offense against a child.	
	4° Criminal Sexual Contact of a Minor N.M. STAT. ANN. § 30-9-13(D) (2006).	Criminal sexual contact of a minor in the fourth degree consists of all criminal sexual contact: (1) not defined in Subsection C of this section, of a child thirteen to eighteen years of age perpetrated with force or coercion; or (2) of a minor perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school. Whoever commits criminal sexual contact in the fourth degree is guilty of a fourth degree felony.	18 months
	Aggravated Indecent Exposure N.M. STAT. ANN. § 30-9-14.3 (2006).	A. Aggravated indecent exposure consists of a person knowingly and intentionally exposing his primary genital area to public view in a lewd and lascivious manner, with the intent to threaten or intimidate another person, while committing one or more of the following acts or criminal offenses: (1) exposure to a child less than eighteen years of age; (2) assault, as provided in Section 30-3-1 NMSA 1978; (3) aggravated assault, as provided in Section 30-3-2 NMSA 1978; (4) assault with intent to commit a violent felony, as provided in Section 30-3-3 NMSA 1978; (5) battery, as provided in Section 30-3-4 NMSA 1978; (6) aggravated battery, as provided in Section 30-3-5 NMSA 1978; (7) criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978; or (8) abuse of a child, as provided in Section 30-6-1 NMSA 1978. B. As used in this section, "primary genital area" means the mons pubis, penis, testicles, mons veneris, vulva or vagina. C. Whoever commits aggravated indecent exposure is guilty of a fourth degree felony. D. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted for committing aggravated indecent exposure to participate in and complete a program of professional counseling at his own expense.	18 months
New York	Definitions NY PENAL LAW § 130.00 (Consol. 2006).	The following definitions are applicable to this article: 1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight. 2. (a) "Oral sexual conduct" means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina. (b) "Anal sexual conduct" means conduct between persons consisting of contact between the penis and anus.	N/A

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		<p>3. "Sexual contact" means any touching of the sexual or other intimate parts of a person not married to the actor for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing.</p> <p>4. For the purposes of this article "married" means the existence of the relationship between the actor and the victim as spouses which is recognized by law at the time the actor commits an offense proscribed by this article against the victim.</p> <p>5. "Mentally disabled" means that a person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct.</p> <p>6. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.</p> <p>7. "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.</p> <p>8. "Forcible compulsion" means to compel by either:</p> <p>a. use of physical force; or</p> <p>b. a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.</p> <p>9. "Foreign object" means any instrument or article which, when inserted in the vagina, urethra, penis or rectum, is capable of causing physical injury.</p> <p>10. "Sexual conduct" means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.</p> <p>11. "Aggravated sexual contact" means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis or rectum of a child, thereby causing physical injury to such child.</p> <p>12. "Health care provider" means any person who is, or is required to be, licensed or registered or holds himself or herself out to be licensed or registered, or provides services as if he or she were licensed or registered in the profession of medicine, chiropractic, dentistry or podiatry under any of the following: article one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, or one hundred forty-one of the education law.</p> <p>13. "Mental health care provider" shall mean a licensed physician, licensed psychologist, registered professional nurse, licensed clinical social worker or a licensed master social worker under the supervision of a physician, psychologist or licensed clinical social worker.</p>	
	<p>Persistent Sexual Abuse NY PENAL LAW § 130.53 (Consol. 2006).</p>	<p>A person is guilty of persistent sexual abuse when he or she commits the crime of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree, as defined in section 130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, and, within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree as defined in section 130.55 of this article, sexual abuse in the second degree,</p>	<p>Up to 4 years</p>

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		as defined in section 130.60 of this article, or any offense defined in this article, of which the commission or attempted commission thereof is a felony.	
	<p>Forcible Touching NY PENAL LAW § 130.52 (Consol. 2006).</p>	<p>A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire.</p> <p>For the purposes of this section, forcible touching includes squeezing, grabbing or pinching</p>	Up to 1 year
	<p>Lack of Consent Defined NY PENAL LAW § 130.05 (Consol. 2006).</p>	<p>1. Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.</p> <p>2. Lack of consent results from:</p> <p>(a) Forcible compulsion; or</p> <p>(b) Incapacity to consent; or</p> <p>(c) Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or</p> <p>(d) Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.</p> <p>3. A person is deemed incapable of consent when he or she is:</p> <p>(a) less than seventeen years old; or</p> <p>(b) mentally disabled; or</p> <p>(c) mentally incapacitated; or</p> <p>(d) physically helpless; or</p> <p>(e) committed to the care and custody of the state department of correctional services or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital. For purposes of this paragraph, "employee" means (i) an employee of the state department of correctional services who performs professional duties in a state correctional facility consisting of providing custody, medical or mental health services, counseling services, educational programs, or vocational training for inmates;</p> <p>(ii) an employee of the division of parole who performs professional duties in a state correctional facility and who provides institutional parole services pursuant to section two hundred fifty-nine-e of the executive law; or</p> <p>(iii) an employee of the office of mental health who performs professional duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law,</p>	N/A

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		<p>consisting of providing custody, or medical or mental health services for such inmates; or</p> <p>(f) committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility. For purposes of this paragraph, "employee" means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for inmates; or</p> <p>(g) committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care. For purposes of this paragraph, "employee" means an employee of the office of children and family services or of a residential facility who performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for persons committed to or placed with the office of children and family services and in residential care; or (h) a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination.</p>	
	<p>Sexual Misconduct NY PENAL LAW § 130.20 (Consol. 2006).</p>	<p>A person is guilty of sexual misconduct when:</p> <ol style="list-style-type: none"> 1. He or she engages in sexual intercourse with another person without such person's consent; or 2. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or 3. He or she engages in sexual conduct with an animal or a dead human body. <p>Sexual misconduct is a class A misdemeanor.</p>	<p>Up to 1 year</p>
	<p>3° Rape NY PENAL LAW § 130.25 (Consol. 2006).</p>	<p>A person is guilty of rape in the third degree when:</p> <ol style="list-style-type: none"> 1. He or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old; 2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or 3. He or she engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent. <p>Rape in the third degree is a class E felony.</p>	<p>1 – 3 years</p>
	<p>2° Rape NY PENAL LAW § 130.30 (Consol. 2006).</p>	<p>A person is guilty of rape in the second degree when:</p> <ol style="list-style-type: none"> 1. being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or 2. he or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. 	<p>2 – 7 years</p>

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		It shall be an affirmative defense to the crime of rape in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act. Rape in the second degree is a class D felony.	
	1° Rape NY PENAL LAW § 130.35 (Consol. 2006).	A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person: 1. By forcible compulsion; or 2. Who is incapable of consent by reason of being physically helpless; or 3. Who is less than eleven years old; or 4. Who is less than thirteen years old and the actor is eighteen years old or more. Rape in the first degree is a class B felony.	4.5 – 25 years
	3° Criminal Sexual Act NY PENAL LAW § 130.40 (Consol. 2006).	A person is guilty of criminal sexual act in the third degree when: 1. He or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old; 2. Being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or 3. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent. Criminal sexual act in the third degree is a class E felony.	1 – 3 years
	2° Criminal Sexual Act NY PENAL LAW § 130.45 (Consol. 2006).	A person is guilty of criminal sexual act in the second degree when: 1. being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or 2. he or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act. Criminal sexual act in the second degree is a class D felony.	2 – 7 years
	1° Criminal Sexual Act NY PENAL LAW § 130.50 (Consol. 2006).	A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person: 1. By forcible compulsion; or 2. Who is incapable of consent by reason of being physically helpless; or 3. Who is less than eleven years old; or 4. Who is less than thirteen years old and the actor is eighteen years old or more. Criminal sexual act in the first degree is a class B felony.	4.5 – 25 years
	3° Sexual Abuse NY PENAL LAW § 130.55	A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and (c) the defendant was	Up to 3 months

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	(Consol. 2006).	less than five years older than such other person.	
	2° Sexual Abuse NY PENAL LAW § 130.60 (Consol. 2006).	A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is: 1. Incapable of consent by reason of some factor other than being less than seventeen years old; or 2. Less than fourteen years old.	Up to 1 year
	1° Sexual Abuse NY PENAL LAW § 130.65 (Consol. 2006).	A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact: 1. By forcible compulsion; or 2. When the other person is incapable of consent by reason of being physically helpless; or 3. When the other person is less than eleven years old.	2 – 7 years
	4° Aggravated Sexual Abuse NY PENAL LAW § 130.65-a (Consol. 2006).	1. A person is guilty of aggravated sexual abuse in the fourth degree when: (a) He or she inserts a foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or (b) He or she inserts a finger in the vagina, urethra, penis or rectum of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old. 2. Conduct performed for a valid medical purpose does not violate the provisions of this section. Aggravated sexual abuse in the fourth degree is a class E felony.	1 – 3 years
	3° Aggravated Sexual Abuse NY PENAL LAW § 130.66 (Consol. 2006).	1. A person is guilty of aggravated sexual abuse in the third degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person: (a) By forcible compulsion; or (b) When the other person is incapable of consent by reason of being physically helpless; or (c) When the other person is less than eleven years old. 2. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated. 3. Conduct performed for a valid medical purpose does not violate the provisions of this section. Aggravated sexual abuse in the third degree is a class D felony.	2 – 7 years
	2° Aggravated Sexual Abuse NY PENAL LAW § 130.67 (Consol. 2006).	1. A person is guilty of aggravated sexual abuse in the second degree when he inserts a finger in the vagina, urethra, penis, or rectum of another person causing physical injury to such person: (a) By forcible compulsion; or (b) When the other person is incapable of consent by reason of being physically helpless; or (c) When the other person is less than eleven years old. 2. Conduct performed for a valid medical purpose does not violate the provisions of this section. Aggravated sexual abuse in the second degree is a class C felony.	3 – 15 years
	1° Aggravated Sexual Abuse NY PENAL LAW	1. A person is guilty of aggravated sexual abuse in the first degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person: (a) By forcible compulsion; or	4.5 – 25 years

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	§ 130.68 (Consol. 2006).	(b) When the other person is incapable of consent by reason of being physically helpless; or (c) When the other person is less than eleven years old. 2. Conduct performed for a valid medical purpose does not violate the provisions of this section. Aggravated sexual abuse in the first degree is a class B felony.	
North Carolina	Definitions N.C. GEN. STAT. § 14-27.1 (2006).	As used in this Article, unless the context requires otherwise: (1) "Mentally disabled" means (i) a victim who suffers from mental retardation, or (ii) a victim who suffers from a mental disorder, either of which temporarily or permanently renders the victim substantially incapable of appraising the nature of his or her conduct, or of resisting the act of vaginal intercourse or a sexual act, or of communicating unwillingness to submit to the act of vaginal intercourse or a sexual act. (2) "Mentally incapacitated" means a victim who due to any act committed upon the victim is rendered substantially incapable of either appraising the nature of his or her conduct, or resisting the act of vaginal intercourse or a sexual act. (3) "Physically helpless" means (i) a victim who is unconscious; or (ii) a victim who is physically unable to resist an act of vaginal intercourse or a sexual act or communicate unwillingness to submit to an act of vaginal intercourse or a sexual act. (4) "Sexual act" means cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body: provided, that it shall be an affirmative defense that the penetration was for accepted medical purposes. (5) "Sexual contact" means (i) touching the sexual organ, anus, breast, groin, or buttocks of any person, or (ii) a person touching another person with their own sexual organ, anus, breast, groin, or buttocks. (6) "Touching" as used in subdivision (5) of this section, means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.	
	1° Rape N.C. GEN. STAT. § 14-27.2 (2006).	(a) A person is guilty of rape in the first degree if the person engages in vaginal intercourse: (1) With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim; or (2) With another person by force and against the will of the other person, and: a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or b. Inflicts serious personal injury upon the victim or another person; or c. The person commits the offense aided and abetted by one or more other persons. (b) Any person who commits an offense defined in this section is guilty of a Class B1 felony. (c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes.	12 – 25 years
	1° Sexual	(a) A person is guilty of a sexual offense in the first degree if the person engages in a sexual act: (1) With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at	12 – 25 years

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	Offense N.C. GEN. STAT. § 14.27.4 (2006).	least four years older than the victim; or (2) With another person by force and against the will of the other person, and: a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or b. Inflicts serious personal injury upon the victim or another person; or c. The person commits the offense aided and abetted by one or more other persons. (b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.	
	Statutory Rape or Sexual Offense of person who is 13, 14, or 15 N.C. GEN. STAT. § 14-27.7A (2006).	(a) A defendant is guilty of a Class B1 felony if the defendant engages in vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the defendant is at least six years older than the person, except when the defendant is lawfully married to the person. (b) A defendant is guilty of a Class C felony if the defendant engages in vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the defendant is more than four but less than six years older than the person, except when the defendant is lawfully married to the person	Class B1 felony: 12 – 25 years. Class C felony: 3.5 – 7.5 years
North Dakota	Definitions N.D. CENT. CODE § 12.1-20- 02 (2006).	1. "Deviate sexual act" means any form of sexual contact with an animal, bird, or dead person. 2. "Object" means anything used in commission of a sexual act other than the person of the actor. 3. "Sexual act" means sexual contact between human beings consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any other portion of the human body and the penis, anus, or vulva; or the use of an object which comes in contact with the victim's anus, vulva, or penis. For the purposes of this subsection, sexual contact between the penis and the vulva, the penis and the anus, any other portion of the human body and the anus or vulva, or an object and the anus, vulva, or penis of the victim, occurs upon penetration, however slight. Emission is not required. 4. "Sexual contact" means any touching, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission of urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires.	N/A
	Gross Sexual Imposition N.D. CENT. CODE § 12.1-20- 03 (2006).	1. A person who engages in a sexual act with another, or who causes another to engage in a sexual act, is guilty of an offense if: a. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being; b. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means with intent to prevent resistance; c. That person knows that the victim is unaware that a sexual act is being committed upon him or her; d. The victim is less than fifteen years old; or e. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders him or her incapable of understanding the nature of his or her conduct.	Up to 5 years if offender 4 -5 years older than victim, up to Life Without Parole if more than 5 years older than victim

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		<p>2. A person who engages in sexual contact with another, or who causes another to engage in sexual contact, is guilty of an offense if:</p> <p>a. The victim is less than fifteen years old; or</p> <p>b. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being.</p> <p>3. a. An offense under this section is a class AA felony if in the course of the offense the actor inflicts serious bodily injury upon the victim, if the actor's conduct violates subdivision a of subsection 1, or if the actor's conduct violates subdivision d of subsection 1 and the actor was more than five years older than the victim at the time of the offense.</p> <p>b. An offense under this section is a class C felony if the actor's conduct violates subdivision d of subsection 1 or subdivision a of subsection 2, and the actor was at least four but not more than five years older than the victim at the time of the offense.</p> <p>c. Otherwise the offense is a class A felony.</p> <p>4. If, as a result of injuries sustained during the course of an offense under this section, the victim dies, the offense is a class AA felony, for which the maximum penalty of life imprisonment without parole must be imposed.</p>	
	<p>Corruption or solicitation of minors N.D. CENT. CODE § 12.1-20-05 (2006).</p>	<p>1. An adult who engages in, solicits with the intent to engage in, or causes another to engage in a sexual act with a minor, is guilty of a class A misdemeanor if the victim is a minor fifteen years of age or older.</p> <p>2. An adult who solicits with the intent to engage in a sexual act with a minor under age fifteen or engages in or causes another to engage in a sexual act when the adult is at least twenty-two years of age and the victim is a minor fifteen years of age or older, is guilty of a class C felony..</p>	<p>Class A Misdemeanor: Up to 1 year Class C felony: Up to 5 years</p>
	<p>Sexual Assault N.D. CENT. CODE § 12.1-20-07 (2006).</p>	<p>1. A person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of an offense if:</p> <p>a. That person knows or has reasonable cause to believe that the contact is offensive to the other person;</p> <p>b. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person's conduct;</p> <p>c. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct, by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means for the purpose of preventing resistance;</p> <p>d. The other person is in official custody or detained in a hospital, prison, or other institution and the actor has supervisory or disciplinary authority over that other person;</p> <p>e. The other person is a minor, fifteen years of age or older, and the actor is the other person's parent, guardian, or is otherwise responsible for general supervision of the other person's welfare; or</p> <p>f. The other person is a minor, fifteen years of age or older, and the actor is an adult.</p> <p>2. The offense is a class C felony if the actor's conduct violates subdivision b, c, d, or e of subsection 1, or subdivision f of subsection 1 if the adult is at least twenty-two years of age, a class A misdemeanor if the</p>	<p>Class C Felony: Up to 5 years Class A Misdemeanor: Up to 1 year Class B Misdemeanor: Up to 30 days</p>

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		actor's conduct violates subdivision f of subsection 1 if the adult is at least eighteen years of age and not twenty-two years of age or older, or a class B misdemeanor if the actor's conduct violates subdivision a of subsection 1.	
Ohio	<p>Definitions OHIO REV. CODE ANN. § 2901.01 (2006).</p>	<p>As used in sections 2907.01 to 2907.37 of the Revised Code:</p> <p>(A) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.</p> <p>(B) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.</p> <p>(C) "Sexual activity" means sexual conduct or sexual contact, or both.</p> <p>(D) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.</p> <p>(E) "Harmful to juveniles" means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:</p> <ol style="list-style-type: none"> (1) The material or performance, when considered as a whole, appeals to the prurient interest in sex of juveniles. (2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles. (3) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles. <p>(F) When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is "obscene" if any of the following apply:</p> <ol style="list-style-type: none"> (1) Its dominant appeal is to prurient interest; (2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite; (3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality; (4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose; (5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily 	N/A

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		<p>for a genuine scientific, educational, sociological, moral, or artistic purpose.</p> <p>(G) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.</p> <p>(H) "Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.</p> <p>(I) "Juvenile" means an unmarried person under the age of eighteen.</p> <p>(J) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape, or similar data storage device.</p> <p>(K) "Performance" means any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.</p> <p>(L) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:</p> <p>(1) When the parties have entered into a written separation agreement authorized by section 3103.06 of the Revised Code;</p> <p>(2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage, or legal separation;</p> <p>(3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.</p> <p>(M) "Minor" means a person under the age of eighteen.</p> <p>(N) "Mental health client or patient" has the same meaning as in section 2305.51 of the Revised Code.</p> <p>(O) "Mental health professional" has the same meaning as in section 2305.115 of the Revised Code.</p> <p>(P) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.</p>	
	<p>Rape OHIO REV. CODE ANN. § 2907.02(A)(1)(b) (2006).</p>	<p>No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies the other person is less than thirteen years of age, whether or not the offender knows the age of the other person.</p>	<p>5 – 10 years, Life if child under 10 years old.</p>
	<p>Unlawful Sexual Conduct with a Minor OHIO REV. CODE ANN. § 2907.04 (2006).</p>	<p>(A) No person who is eighteen years of age or older shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.</p> <p>(B) Whoever violates this section is guilty of unlawful sexual conduct with a minor.</p> <p>(1) Except as otherwise provided in divisions (B)(2), (3), and (4) of this section, unlawful sexual conduct with a minor is a felony of the fourth degree.</p> <p>(2) Except as otherwise provided in division (B)(4) of this section, if the offender is less than four years older</p>	<p>3^o Felony: 1 – 5 years 4^o Felony: 6 – 18 months 1^o Misdemeanor: Up to 1 year</p>

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		<p>than the other person, unlawful sexual conduct with a minor is a misdemeanor of the first degree.</p> <p>(3) Except as otherwise provided in division (B)(4) of this section, if the offender is ten or more years older than the other person, unlawful sexual conduct with a minor is a felony of the third degree.</p> <p>(4) If the offender previously has been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a violation of former section 2907.12 of the Revised Code, unlawful sexual conduct with a minor is a felony of the second degree.</p>	
	<p>Gross Sexual Imposition OHIO REV. CODE ANN. § 2907.05 (2006).</p>	<p>(A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:</p> <p>(1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force.</p> <p>(2) For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.</p> <p>(3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.</p> <p>(4) The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person.</p> <p>(5) The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.</p> <p>(B) Whoever violates this section is guilty of gross sexual imposition. Except as otherwise provided in this section, a violation of division (A)(1), (2), (3), or (5) of this section is a felony of the fourth degree. If the offender under division (A)(2) of this section substantially impairs the judgment or control of the other person or one of the other persons by administering any controlled substance described in section 3719.41 of the Revised Code to the person surreptitiously or by force, threat of force, or deception, a violation of division (A)(2) of this section is a felony of the third degree. A violation of division (A)(4) of this section is a felony of the third degree.</p> <p>(C) A victim need not prove physical resistance to the offender in prosecutions under this section.</p> <p>(D) Evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence of the victim's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, or the victim's past sexual activity with the offender, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.</p>	<p>1 – 5 years</p>

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		Evidence of specific instances of the defendant's sexual activity, opinion evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, the defendant's past sexual activity with the victim, or is admissible against the defendant under section 2945.59 of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.	
	Sexual Imposition OHIO REV. CODE ANN. § 2907.06 (2006).	<p>(A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:</p> <p>(1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.</p> <p>(2) The offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.</p> <p>(3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact.</p> <p>(4) The other person, or one of the other persons, is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.</p> <p>(5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.</p> <p>(B) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.</p> <p>(C) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of a violation of this section or of section 2907.02, 2907.03, 2907.04, 2907.05, or 2907.12 of the Revised Code, a violation of this section is a misdemeanor of the first degree.</p>	Up to 1 year
	Importuning OHIO REV. CODE ANN. § 2907.07 (2006).	<p>(A) No person shall solicit a person who is less than thirteen years of age to engage in sexual activity with the offender, whether or not the offender knows the age of such person.</p> <p>(B) No person shall solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, and the other person is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of the other person.</p> <p>(C) No person shall solicit another by means of a telecommunications device, as defined in section 2913.01 of the Revised Code, to engage in sexual activity with the offender when the offender is eighteen years of age or older and either of the following applies:</p> <p>(1) The other person is less than thirteen years of age, and the offender knows that the other person is less than thirteen years of age or is reckless in that regard.</p>	6 – 18 months

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		<p>(2) The other person is a law enforcement officer posing as a person who is less than thirteen years of age, and the offender believes that the other person is less than thirteen years of age or is reckless in that regard.</p> <p>(D) No person shall solicit another by means of a telecommunications device, as defined in section 2913.01 of the Revised Code, to engage in sexual activity with the offender when the offender is eighteen years of age or older and either of the following applies:</p> <p>(1) The other person is thirteen years of age or older but less than sixteen years of age, the offender knows that the other person is thirteen years of age or older but less than sixteen years of age or is reckless in that regard, and the offender is four or more years older than the other person.</p> <p>(2) The other person is a law enforcement officer posing as a person who is thirteen years of age or older but less than sixteen years of age, the offender believes that the other person is thirteen years of age or older but less than sixteen years of age or is reckless in that regard, and the offender is four or more years older than the age the law enforcement officer assumes in posing as the person who is thirteen years of age or older but less than sixteen years of age.</p> <p>(E) Divisions (C) and (D) of this section apply to any solicitation that is contained in a transmission via a telecommunications device that either originates in this state or is received in this state.</p> <p>(F) Whoever violates this section is guilty of importuning. A violation of division (A) or (C) of this section is a felony of the fourth degree on a first offense and a felony of the third degree on each subsequent offense. A violation of division (B) or (D) of this section is a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.</p>	
Oklahoma	Forcible Sodomy OKLA. STAT. tit. 21, § 888 (2005).	<p>A. Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a felony punishable by imprisonment in the State Penitentiary for a period of not more than twenty (20) years, except as provided in Section 3 of this act. [FN1] Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence.</p> <p>B. The crime of forcible sodomy shall include:</p> <ol style="list-style-type: none"> 1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age; or 2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or 3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime; or 4. Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state. 	Up to 20 years
	Rape Defined	A. Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or	N/A

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	OKLA. STAT. tit. 21, § 1111 (2005).	female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances: 1. Where the victim is under sixteen (16) years of age; 2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent; 3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person; 4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit; 5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused; 6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape; 7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim; or 8. Where the victim is at least sixteen (16) years of age and is less than eighteen (18) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system. B. Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.	
	Rape by Instrumentation Defined OKLA. STAT. tit. 21, § 1111.1 (2005).	Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met.	N/A
	First Degree Rape OKLA. STAT. tit. 21, § 1114(A) (2005).	Rape in the first degree shall include: 1. rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age; or 2. rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or 3. rape accomplished with any person by means of force, violence, or threats of force or violence	Death or Up to Life where offender is over 18 and child under 14.

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		<p>accompanied by apparent power of execution regardless of the age of the person committing the crime; or</p> <p>4. rape by instrumentation resulting in bodily harm is rape by instrumentation in the first degree regardless of the age of the person committing the crime; or</p> <p>5. rape by instrumentation committed upon a person under fourteen (14) years of age.</p>	
	<p>Second Degree Rape OKLA. STAT. tit. 21, § 1114(B) (2005).</p>	<p>In all other cases, rape or rape by instrumentation is rape in the second degree.</p>	<p>1 – 15 years</p>
<p>Oregon</p>	<p>Definitions OR. REV. STAT. § 163.305 (2006).</p>	<p>As used in chapter 743, Oregon Laws 1971, unless the context requires otherwise:</p> <p>(1) “Deviate sexual intercourse” means sexual conduct between persons consisting of contact between the sex organs of one person and the mouth or anus of another.</p> <p>(2) “Forcible compulsion” means to compel by:</p> <p>(a) Physical force; or</p> <p>(b) A threat, express or implied, that places a person in fear of immediate or future death or physical injury to self or another person, or in fear that the person or another person will immediately or in the future be kidnapped.</p> <p>(3) “Mentally defective” means that a person suffers from a mental disease or defect that renders the person incapable of appraising the nature of the conduct of the person.</p> <p>(4) “Mentally incapacitated” means that a person is rendered incapable of appraising or controlling the conduct of the person at the time of the alleged offense because of the influence of a controlled or other intoxicating substance administered to the person without the consent of the person or because of any other act committed upon the person without the consent of the person.</p> <p>(5) “Physically helpless” means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.</p> <p>(6) “Sexual contact” means any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.</p> <p>(7) “Sexual intercourse” has its ordinary meaning and occurs upon any penetration, however slight; emission is not required.</p>	<p>N/A</p>
	<p>Incapacity to Consent OR. REV. STAT. § 163.315 (2006).</p>	<p>(1) A person is considered incapable of consenting to a sexual act if the person is:</p> <p>(a) Under 18 years of age;</p> <p>(b) Mentally defective;</p> <p>(c) Mentally incapacitated; or</p> <p>(d) Physically helpless.</p> <p>(2) A lack of verbal or physical resistance does not, by itself, constitute consent but may be considered by the trier of fact along with all other relevant evidence</p>	<p>N/A</p>

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	3° Rape OR. REV. STAT. § 163.355(1) (2006).	A person commits the crime of rape in the third degree if the person has sexual intercourse with another person under 16 years of age.	Up to 5 years
	2° Rape OR. REV. STAT. § 163.365(1)	A person who has sexual intercourse with another person commits the crime of rape in the second degree if the other person is under 14 years of age.	Up to 10 years
	1° Rape OR. REV. STAT. § 163.375(1) (2006).	A person who has sexual intercourse with another person commits the crime of rape in the first degree if: (a) The victim is subjected to forcible compulsion by the person; (b) The victim is under 12 years of age; (c) The victim is under 16 years of age and is the person's sibling, of the whole or half blood, the person's child or the person's spouse's child; or (d) The victim is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.	Up to 20 years
	3° Sodomy OR. REV. STAT. § 163.385(1) (2006).	A person commits the crime of sodomy in the third degree if the person engages in deviate sexual intercourse with another person under 16 years of age or causes that person to engage in deviate sexual intercourse.	Up to 5 years
	2° Sodomy OR. REV. STAT. § 163.395(1) (2006).	A person who engages in deviate sexual intercourse with another person or causes another to engage in deviate sexual intercourse commits the crime of sodomy in the second degree if the victim is under 14 years of age.	Up to 10 years
	1° Sodomy OR. REV. STAT. § 163.405(1) (2006).	A person who engages in deviate sexual intercourse with another person or causes another to engage in deviate sexual intercourse commits the crime of sodomy in the first degree if: (a) The victim is subjected to forcible compulsion by the actor; (b) The victim is under 12 years of age; (c) The victim is under 16 years of age and is the actor's brother or sister, of the whole or half blood, the son or daughter of the actor or the son or daughter of the actor's spouse; or (d) The victim is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.	Up to 20 years
	2° Unlawful sexual penetration OR. REV. STAT. § 163.408(1) (2006).	Except as permitted under ORS 163.412, a person commits the crime of unlawful sexual penetration in the second degree if the person penetrates the vagina, anus or penis of another with any object other than the penis or mouth of the actor and the victim is under 14 years of age.	Up to 10 years
	1° Unlawful	Except as permitted under ORS 163.412, a person commits the crime of unlawful sexual penetration in the	Up to 20 years

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	<p>sexual penetration OR. REV. STAT. § 163.408(1) (2006).</p>	<p>first degree if the person penetrates the vagina, anus or penis of another with any object other than the penis or mouth of the actor and: (a) The victim is subjected to forcible compulsion; (b) The victim is under 12 years of age; or (c) The victim is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.</p>	
	<p>3° Sexual Abuse OR. REV. STAT. § 163.415(1) (2006).</p>	<p>A person commits the crime of sexual abuse in the third degree if the person subjects another person to sexual contact and: (a) The victim does not consent to the sexual contact; or (b) The victim is incapable of consent by reason of being under 18 years of age.</p>	Up to 1 years
	<p>1° Sexual Abuse OR. REV. STAT. § 163.427(1) (2006).</p>	<p>A person commits the crime of sexual abuse in the first degree when that person: (a) Subjects another person to sexual contact and: (A) The victim is less than 14 years of age; (B) The victim is subjected to forcible compulsion by the actor; or (C) The victim is incapable of consent by reason of being mentally defective, mentally incapacitated or physically helpless; or (b) Intentionally causes a person under 18 years of age to touch or contact the mouth, anus or sex organs of an animal for the purpose of arousing or gratifying the sexual desire of a person.</p>	Up to 10 years
	<p>Contributing to the sexual delinquency of a minor OR. REV. STAT. § 163.435(1) (2006).</p>	<p>A person 18 years of age or older commits the crime of contributing to the sexual delinquency of a minor if: (a) Being a male, he engages in sexual intercourse with a female under 18 years of age; or (b) Being a female, she engages in sexual intercourse with a male under 18 years of age; or (c) The person engages in deviate sexual intercourse with another person under 18 years of age or causes that person to engage in deviate sexual intercourse.</p>	Up to 1 years
	<p>Sexual Misconduct OR. REV. STAT. § 163.445 (2006).</p>	<p>A person commits the crime of sexual misconduct if the person engages in sexual intercourse or deviate sexual intercourse with an unmarried person under 18 years of age.</p>	Up to 30 days
Pennsylvania	<p>Definitions 18 PA. CONS. STAT. ANN. § 3101 (2005).</p>	<p>Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section: "Complainant." An alleged victim of a crime under this chapter. "Deviate sexual intercourse." Sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law</p>	

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		<p>enforcement procedures.</p> <p>"Forcible compulsion." Compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.</p> <p>"Foreign object." Includes any physical object not a part of the actor's body.</p> <p>"Indecent contact." Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person.</p> <p>"Serious bodily injury." As defined in section 2301 (relating to definitions).</p> <p>"Sexual intercourse." In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required.</p>	
	<p>Rape of a Child 18 PA. CONS. STAT. ANN. § 3121(c) (2005).</p>	<p>A person commits the offense of rape of a child, a felony of the first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age.</p>	<p>Up to 40 years</p>
	<p>Rape of a Child With Serious Bodily Injury 18 PA. CONS. STAT. ANN. § 3121(d) (2005).</p>	<p>A person commits the offense of rape of a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is under 13 years of age and suffers serious bodily injury in the course of the offense.</p>	<p>Up to Life</p>
	<p>Statutory Sexual Assault 18 PA. CONS. STAT. ANN. § 3122.1 (2005).</p>	<p>Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is four or more years older than the complainant and the complainant and the person are not married to each other.</p>	<p>Up to 10 years</p>
	<p>Involuntary Deviate Sexual Intercourse 18 PA. CONS. STAT. ANN. § 3123(a) (2005).</p>	<p>A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant:</p> <ol style="list-style-type: none"> (1) by forcible compulsion; (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring; (4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (5) who suffers from a mental disability which renders him or her incapable of consent; or (6) Deleted by 2002, Dec. 9, P.L. 1350, No. 162, § 2. (7) who is less than 16 years of age and the person is four or more years older than the complainant and the 	<p>Up to 20 years</p>

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		complainant and person are not married to each other.	
	Involuntary Deviant Sexual Intercourse With a Child 18 PA. CONS. STAT. ANN. § 3123(b) (2005).	A person commits involuntary deviate sexual intercourse with a child, a felony of the first degree, when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.	Up to 40 years
	Involuntary Deviant Sexual Intercourse With a Child With Serious Bodily Injury 18 PA. CONS. STAT. ANN. § 3123(c) (2005).	A person commits an offense under this section with a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.	Up to Life
	Aggravated Indecent Assault 18 PA. CONS. STAT. ANN. § 3125(a) (2005).	Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if: (1) the person does so without the complainant's consent; (2) the person does so by forcible compulsion; (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (4) the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring; (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (6) the complainant suffers from a mental disability which renders him or her incapable of consent; (7) the complainant is less than 13 years of age; or (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.	Up to 10 years
	Aggravated Indecent Assault of a Child	A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) [of the Aggravated Indecent Assault above] and the complainant is less than 13 years of age.	Up to 20 years

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	18 PA. CONS. STAT. ANN. § 3125(b) (2005).		
	Indecent Assault 18 PA. CONS. STAT. ANN. § 3126(a) (2005).	A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and: (1) the person does so without the complainant's consent; (2) the person does so by forcible compulsion; (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring; (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (6) the complainant suffers from a mental disability which renders the complainant incapable of consent; (7) the complainant is less than 13 years of age; or (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.	Up to 2 years without consent, up to 5 years through forcible compulsion, up to 7 years for touching of intimate parts of child, or touching the offender's intimate parts to the child
	Indecent Exposure 18 PA. CONS. STAT. ANN. § 3127 (2005).	Exposing genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm, and the offender knows or should have known that persons under the age of 16 years old are present.	Up to 5 years
Rhode Island	Definitions R.I. GEN. LAWS § 11-37-1 (2006).	The following words and phrases, when used in this chapter, have the following meanings: (1) "Accused" means a person accused of a sexual assault. (2) "Force or coercion" means when the accused does any of the following: (i) Uses or threatens to use a weapon, or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon. (ii) Overcomes the victim through the application of physical force or physical violence. (iii) Coerces the victim to submit by threatening to use force or violence on the victim and the victim reasonably believes that the accused has the present ability to execute these threats. (iv) Coerces the victim to submit by threatening to at some time in the future murder, inflict serious bodily injury upon or kidnap the victim or any other person and the victim reasonably believes that the accused has the ability to execute this threat. (3) "Intimate parts" means the genital or anal areas, groin, inner thigh, or buttock of any person or the breast of a female.	N/A

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		<p>(4) "Mentally disabled" means a person who has a mental impairment which renders that person incapable of appraising the nature of the act.</p> <p>(5) "Mentally incapacitated" means a person who is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or other substance administered to that person without his or her consent, or who is mentally unable to communicate unwillingness to engage in the act.</p> <p>(6) "Physically helpless" means a person who is unconscious, asleep, or for any other reason is physically unable to communicate unwillingness to an act.</p> <p>(7) "Sexual contact" means the intentional touching of the victim's or accused's intimate parts, clothed or unclothed, if that intentional touching can be reasonably construed as intended by the accused to be for the purpose of sexual arousal, gratification, or assault.</p> <p>(8) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, and anal intercourse, or any other intrusion, however slight, by any part of a person's body or by any object into the genital or anal openings of another person's body, or the victim's own body upon the accused's instruction, but emission of semen is not required.</p> <p>(9) "Spouse" means a person married to the accused at the time of the alleged sexual assault, except that such persons shall not be considered the spouse if the couple are living apart and a decision for divorce has been granted, whether or not a final decree has been entered.</p> <p>(10) "Victim" means the person alleging to have been subjected to sexual assault.</p>	
	<p>3° Sexual Assault R.I. GEN. LAWS § 11-37-6 (2006).</p>	<p>A person is guilty of third degree sexual assault if he or she is over the age of eighteen (18) years and engaged in sexual penetration with another person over the age of fourteen (14) years and under the age of consent, sixteen (16) years of age.</p>	<p>Up to 5 years</p>
	<p>1° Child Molestation Sexual Assault R.I. GEN. LAWS § 11-37-8.1 (2006).</p>	<p>A person is guilty of first degree child molestation sexual assault if he or she engages in sexual penetration with a person fourteen (14) years of age or under.</p>	<p>20 years to Life</p>
	<p>2° Child Molestation Sexual Assault R.I. GEN. LAWS § 11-37-8.3 (2006).</p>	<p>A person is guilty of a second degree child molestation sexual assault if he or she engages in sexual contact with another person fourteen (14) years of age or under.</p>	<p>6 – 30 years</p>
<p>South</p>	<p>Definitions</p>	<p>For the purposes of Sections 16-3-651 to 16-3-659.1:</p>	

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State	Offense	Offenses	Penalty
Carolina	S.C. CODE ANN. § 16-3-651 (2005).	(a) “Actor” means a person accused of criminal sexual conduct. (b) “Aggravated coercion” means that the actor threatens to use force or violence of a high and aggravated nature to overcome the victim or another person, if the victim reasonably believes that the actor has the present ability to carry out the threat, or threatens to retaliate in the future by the infliction of physical harm, kidnapping or extortion, under circumstances of aggravation, against the victim or any other person. (c) “Aggravated force” means that the actor uses physical force or physical violence of a high and aggravated nature to overcome the victim or includes the threat of the use of a deadly weapon. (d) “Intimate parts” includes the primary genital area, anus, groin, inner thighs, or buttocks of a male or female human being and the breasts of a female human being. (e) “Mentally defective” means that a person suffers from a mental disease or defect which renders the person temporarily or permanently incapable of appraising the nature of his or her conduct. (f) “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling his or her conduct whether this condition is produced by illness, defect, the influence of a substance or from some other cause. (g) “Physically helpless” means that a person is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act. (h) “Sexual battery” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, except when such intrusion is accomplished for medically recognized treatment or diagnostic purposes. (i) “Victim” means the person alleging to have been subjected to criminal sexual conduct.	
	1° Criminal Sexual Conduct with Minors S.C. CODE ANN. § 16-3-655(A) (2005).	A person is guilty of criminal sexual conduct in the first degree if: (1) the actor engages in sexual battery with the victim who is less than eleven years of age; or (2) the actor engages in sexual battery with a victim who is less than sixteen years of age and the actor has previously been convicted of, pled guilty or nolo contendere to, or adjudicated delinquent for an offense listed in Section 23-3-430(C) or has been ordered to be included in the sex offender registry pursuant to Section 23-3-430(D). Upon conviction, the actor must be punished by imprisonment for not less than ten years nor more than thirty years, no part of which may be suspended or probation granted.	10 – 30 years
	2° Criminal Sexual Conduct with Minors S.C. CODE ANN. § 16-3-655(B) (2005).	A person is guilty of criminal sexual conduct in the second degree if the actor engages in sexual battery with a victim who is fourteen years of age or less but who is at least eleven years of age.	Up to 20 years
	3° Criminal Sexual Conduct	A person is guilty of criminal sexual conduct in the second degree if the actor engages in sexual battery with a victim who is at least fourteen years of age but who is less than sixteen years of age and the actor is in a	Up to 20 years

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	with Minors S.C. CODE ANN. § 16-3-655(C) (2005).	position of familial, custodial, or official authority to coerce the victim to submit or is older than the victim.	
South Dakota	1° Rape S.D. CODIFIED LAWS § 22-22- 1(1) (2006).	Rape is an act of sexual penetration accomplished with any person less than thirteen years of age.	Up to 10 years
	4° Rape S.D. CODIFIED LAWS § 22-22- 1(5) (2006).	Rape is an act of sexual penetration accomplished with a person that is thirteen years of age, but less than sixteen years of age, and the perpetrator is at least three years older than the victim.	Up to 5 years
	Sexual Contact With a Child Under 16 - Felony S.D. CODIFIED LAWS § 22-22-7 (2006).	Any person, sixteen years of age or older, who knowingly engages in sexual contact with another person, other than that person's spouse if the other person is under the age of sixteen years is guilty of a Class 3 felony. If the actor is less than three years older than the other person, the actor is guilty of a Class 1 misdemeanor. Notwithstanding § 23A-42-2, a charge brought pursuant to this section may be commenced at any time before the victim becomes age twenty-five or within seven years of the commission of the crime, whichever is longer.	Up to 5 years, unless offender is less than 3 years older than the child, then up to 1 year
	Sexual Contact With a Child Under 16 - Misdemeanor S.D. CODIFIED LAWS § 22-22- 7.3 (2006).	Any person, younger than sixteen years of age, who knowingly engages in sexual contact with another person, other than his or her spouse, if such other person is younger than sixteen years of age, is guilty of a Class 1 misdemeanor.	Up to 1 year
Tennessee	Definitions TENN. CODE ANN. § 39-13- 501 (2005).	As used in §§ 39-13-501 - 39-13-511, except as specifically provided in § 39-13-505, unless the context otherwise requires: (1) "Coercion" means threat of kidnapping, extortion, force or violence to be performed immediately or in the future or the use of parental, custodial, or official authority over a child less than fifteen (15) years of age; (2) "Intimate parts" includes the primary genital area, groin, inner thigh, buttock or breast of a human being; (3) "Mentally defective" means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of such person's conduct; (4) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent;	N/A

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		<p>(5) "Physically helpless" means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act;</p> <p>(6) "Sexual contact" includes the intentional touching of the victim's, the defendant's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the victim's, the defendant's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification;</p> <p>(7) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the victim's, the defendant's, or any other person's body, but emission of semen is not required; and</p> <p>(8) "Victim" means the person alleged to have been subjected to criminal sexual conduct and includes the spouse of the defendant.</p>	
	<p>Aggravated Sexual Battery TENN. CODE ANN. § 39-13-504 (2005).</p>	<p>(a) Aggravated sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:</p> <p>(1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;</p> <p>(2) The defendant causes bodily injury to the victim;</p> <p>(3) The defendant is aided or abetted by one (1) or more other persons; and</p> <p>(A) Force or coercion is used to accomplish the act; or</p> <p>(B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or</p> <p>(4) The victim is less than thirteen (13) years of age.</p>	<p>8 – 12 years</p>
	<p>Statutory Rape TENN. CODE ANN. § 39-13-506 (2005).</p>	<p>Statutory rape is sexual penetration of a victim by the defendant or of the defendant by the victim when the victim is at least thirteen (13) but less than eighteen (18) years of age and the defendant is at least four (4) years older than the victim.</p>	<p>1 – 2 years</p>
	<p>Rape of a Child TENN. CODE ANN. § 39-13-522(a) (2005).</p>	<p>Rape of a child is the unlawful sexual penetration of a victim by the defendant or the defendant by a victim, if such victim is less than thirteen (13) years of age.</p>	<p>15-25 years</p>
	<p>Sexual Battery by an Authority Figure TENN. CODE ANN. § 39-13-527(a) (2005).</p>	<p>Sexual battery by an authority figure is unlawful sexual contact with a victim by the defendant, or the defendant by a victim, accompanied by the fact that the victim was, at the time of the offense, thirteen (13) years of age or older, but less than eighteen (18) years of age, and either:</p> <p>(1) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional or occupational status, and used such position of trust or power to accomplish the sexual contact; or</p> <p>(2) The defendant had, at the time of the offense, parental or custodial authority over the victim and used such authority to accomplish the sexual contact.</p>	<p>3 – 6 years</p>

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	<p>Solicitation of a person under 18 years of age TENN. CODE ANN. § 39-13-528 (2005).</p>	<p>(a) It is an offense for a person eighteen (18) years of age or older, by means of oral, written or electronic communication, electronic mail or Internet services, directly or through another, to intentionally command, request, hire, persuade, invite or attempt to induce a person whom the person making the solicitation knows, or should know, is less than eighteen (18) years of age, or solicits a law enforcement officer posing as a minor, and whom the person making the solicitation reasonably believes to be less than eighteen (18) years of age, to engage in conduct that, if completed, would constitute a violation by the soliciting adult of one (1) or more of the following offenses:</p> <p>(1) Rape of a child, pursuant to § 39-13-522; (2) Aggravated rape, pursuant to § 39-13-502; (3) Rape, pursuant to § 39-13-503; (4) Aggravated sexual battery, pursuant to § 39-13-504; (5) Sexual battery by an authority figure, pursuant to § 39-13-527; (6) Sexual battery, pursuant to § 39-13-505; (7) Statutory rape, pursuant to § 39-13-506; (8) Especially aggravated sexual exploitation of a minor, pursuant to § 39-17-1005; or (9) Sexual activity involving a minor, pursuant to § 39-13-529 [Actually referring to Solicitation of a Minor to Observe Sexual Conduct].</p> <p>(b) It is no defense that the solicitation was unsuccessful, that the conduct solicited was not engaged in, or that the law enforcement officer could not engage in the solicited offense. It is no defense that the minor solicited was unaware of the criminal nature of the conduct solicited.</p> <p>(c) A violation of this section shall constitute an offense one (1) classification lower than the most serious crime solicited, unless the offense solicited was a Class E felony, in which case the offense shall be a Class A misdemeanor.</p> <p>(d) A person is subject to prosecution in this state under this section for any conduct that originates in this state, or for any conduct that originates by a person located outside this state, where such person solicited the conduct of a minor located in this state, or solicited a law enforcement officer posing as a minor located within this state.</p>	<p>(1): 8-12 years (2) 8-12 years (3): 3-6 years (4): 3 – 6 years (5): 2 – 4 years (6): Up to 1 year (7): Up to 1 year (8): 3-6 years (9) Up to 1 year</p>
	<p>Solicitation of a Minor to Observe Sexual Conduct TENN. CODE ANN. § 39-13-529 (2005).</p>	<p>(a) It is an offense for a person eighteen (18) years of age or older, by means of oral, written or electronic communication, electronic mail or Internet service, including webcam communications, directly or through another, to intentionally command, hire, persuade, induce or cause a minor to engage in sexual activity or simulated sexual activity that is patently offensive, as defined in § 39-17-1002, where such sexual activity or simulated sexual activity is observed by that person or by another.</p> <p>(b) It is unlawful for any person eighteen (18) years of age or older, directly or by means of electronic communication, electronic mail or Internet service, including webcam communications, to intentionally:</p> <p>(1) Engage in sexual activity, or simulated sexual activity, that is patently offensive, as defined in § 39-17-1002, for the purpose of having the minor view such sexual activity or simulated sexual activity, including circumstances where the minor is in the presence of such person, or where the minor views such activity via electronic communication, including electronic mail, Internet service and webcam communications;</p>	<p>8 – 12 years if minor engages, 1 – 2 years for viewing, unless minor is under the age of 13 years old then 3 – 6 years felony.</p>

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		<p>(2) Display to a minor, or expose a minor to, any material containing sexual activity or simulated sexual activity that is patently offensive, as defined in § 39-17-1002, where the purpose of such display can reasonably be construed as being for the sexual arousal or gratification of the minor or the person displaying the material; and</p> <p>(3) Display to a law enforcement officer posing as a minor, and whom the person making the display reasonably believes to be less than eighteen (18) years of age, any material containing sexual activity or simulated sexual activity that is patently offensive, as defined in § 39-17-1002, where the purpose of such display can reasonably be construed as being for the sexual arousal or gratification of the intended minor or the person displaying the material.</p> <p>(c) The statute of limitations for these offenses shall be the applicable statute for the class of the offense, or until the child reaches the age of eighteen (18), whichever is greater.</p> <p>(d) A person is subject to prosecution in this state under this statute for any conduct that originates in this state, or for any conduct that originates by a person located outside this state, where such conduct involved a minor located in this state.</p> <p>(e)(1) A violation of subsection (a) is a Class B felony. (2) A violation of subsection (b) is a Class E felony; provided, that, if the minor is less than thirteen (13) years of age, the violation is a Class C felony.</p>	
	<p>Especially aggravated sexual exploitation TENN. CODE ANN. § 39-17-1005 (2005).</p>	<p>(a) It is unlawful for a person to knowingly promote, employ, use, assist, transport or permit a minor to participate in the performance of, or in the production of, acts or material that includes the minor engaging in:</p> <p>(1) Sexual activity; or (2) Simulated sexual activity that is patently offensive.</p> <p>(b) A person violating subsection (a) may be charged in a separate count for each individual performance, image, picture, drawing, photograph, motion picture film, videocassette tape, or other pictorial representation.</p> <p>(c) In a prosecution under this section, the trier of fact may consider the title, text, visual representation, internet history, physical development of the person depicted, expert medical testimony, expert computer forensic testimony, and any other relevant evidence, in determining whether a person knowingly promoted, employed, used, assisted, transported or permitted a minor to participate in the performance of or in the production of acts or material for these purposes, or in determining whether the material or image otherwise represents or depicts that a participant is a minor.</p> <p>(d) A violation of this section is a Class B felony. Nothing in this section shall be construed as limiting prosecution for any other sexual offense under this chapter, nor shall a joint conviction under this section and any other related sexual offense, even if arising out of the same conduct, be construed as limiting any applicable punishment, including consecutive sentencing under § 40-35-115, or the enhancement of sentence under § 40-35-114.</p> <p>(e) In a prosecution under this section, the state is not required to prove the actual identity or age of the minor.</p> <p>(f) A person is subject to prosecution in this state under this section for any conduct that originates in this state, or for any conduct that originates by a person located outside this state, where such person promoted, employed, assisted, transported or permitted a minor to engage in the performance of, or production of, acts</p>	

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		or material within this state.	
Texas	Definitions TEX. PENAL CODE ANN. § 21.01 (Vernon 2005).	(1) "Deviate sexual intercourse" means: (A) any contact between any part of the genitals of one person and the mouth or anus of another person; or (B) the penetration of the genitals or the anus of another person with an object. (2) "Sexual contact" means, except as provided by Section 21.11, any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person. (3) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ. (4) "Spouse" means a person to whom a person is legally married under Subtitle A, Title 1, Family Code, or a comparable law of another jurisdiction.	N/A
	Indecency With a Child TEX. PENAL CODE ANN § 21.11 (Vernon 2005).	a) A person commits an offense if, with a child younger than 17 years and not the person's spouse, whether the child is of the same or opposite sex, the person: (1) engages in sexual contact with the child or causes the child to engage in sexual contact; or (2) with intent to arouse or gratify the sexual desire of any person: (A) exposes the person's anus or any part of the person's genitals, knowing the child is present; or (B) causes the child to expose the child's anus or any part of the child's genitals. (b) It is an affirmative defense to prosecution under this section that the actor: (1) was not more than three years older than the victim and of the opposite sex; (2) did not use duress, force, or a threat against the victim at the time of the offense; and (3) at the time of the offense: (A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or (B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section. (c) In this section, "sexual contact" means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person: (1) any touching by a person, including touching through clothing, of the anus, breast, or any part of the genitals of a child; or (2) any touching of any part of the body of a child, including touching through clothing, with the anus, breast, or any part of the genitals of a person. (d) An offense under Subsection (a)(1) is a felony of the second degree and an offense under Subsection (a)(2) is a felony of the third degree.	2 – 20 years for sexual contact, 2 – 10 years for exposure
	Sexual Assault TEX. PENAL CODE ANN § 22.011 (Vernon 2005).	(a) A person commits an offense if the person: (1) intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or	2 – 20 years, or 5 – 99 years if child was under 16 years old

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		<p>(2) intentionally or knowingly:</p> <p>(A) causes the penetration of the anus or sexual organ of a child by any means;</p> <p>(B) causes the penetration of the mouth of a child by the sexual organ of the actor;</p> <p>(C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;</p> <p>(D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or</p> <p>(E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.</p> <p>(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:</p> <p>(1) the actor compels the other person to submit or participate by the use of physical force or violence;</p> <p>(2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;</p> <p>(3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;</p> <p>(4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;</p> <p>(5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;</p> <p>(6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;</p> <p>(7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;</p> <p>(8) the actor is a public servant who coerces the other person to submit or participate;</p> <p>(9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;</p> <p>(10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or</p> <p>(11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.</p> <p>(c) In this section:</p> <p>(1) "Child" means a person younger than 17 years of age who is not the spouse of the actor.</p> <p>(2) "Spouse" means a person who is legally married to another.</p> <p>(3) "Health care services provider" means:</p> <p>(A) a physician licensed under Subtitle B, Title 3, Occupations Code;</p> <p>(B) a chiropractor licensed under Chapter 201, Occupations Code;</p> <p>(C) a physical therapist licensed under Chapter 453, Occupations Code;</p>	

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		<p>(D) a physician assistant licensed under Chapter 204, Occupations Code; or (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code. (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a: (A) licensed social worker as defined by Section 505.002, Occupations Code; (B) chemical dependency counselor as defined by Section 504.001, Occupations Code; (C) licensed professional counselor as defined by Section 503.002, Occupations Code; (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code; (E) member of the clergy; (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code. (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer. (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party. (e) It is an affirmative defense to prosecution under Subsection (a)(2) that: (1) the actor was not more than three years older than the victim and at the time of the offense: (A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or (B) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and (2) the victim: (A) was a child of 14 years of age or older; and (B) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01. (f) An offense under this section is a felony of the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.</p>	
	<p>Aggravated Sexual Assault TEX. PENAL CODE ANN § 22.021 (Vernon 2005).</p>	<p>(a) A person commits an offense: (1) if the person: (A) intentionally or knowingly: (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or</p>	<p>5 – 99 years</p>

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		<p>(iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or</p> <p>(B) intentionally or knowingly:</p> <p>(i) causes the penetration of the anus or sexual organ of a child by any means;</p> <p>(ii) causes the penetration of the mouth of a child by the sexual organ of the actor;</p> <p>(iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;</p> <p>(iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or</p> <p>(v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and</p> <p>(2) if:</p> <p>(A) the person:</p> <p>(i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;</p> <p>(ii) by acts or words places the victim in fear that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;</p> <p>(iii) by acts or words occurring in the presence of the victim threatens to cause the death, serious bodily injury, or kidnapping of any person;</p> <p>(iv) uses or exhibits a deadly weapon in the course of the same criminal episode;</p> <p>(v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or</p> <p>(vi) administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense;</p> <p>(B) the victim is younger than 14 years of age; or</p> <p>(C) the victim is an elderly individual or a disabled individual.</p> <p>(b) In this section:</p> <p>(1) "Child" has the meaning assigned by Section 22.011(c).</p> <p>(2) "Elderly individual" and "disabled individual" have the meanings assigned by Section 22.04(c).</p> <p>(c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).</p> <p>(d) The defense provided by Section 22.011(d) applies to this section.</p> <p>(e) An offense under this section is a felony of the first degree.</p>	
Utah	<p>Object Rape of a Child UTAH CODE ANN. § 76-5-402.3 (2006).</p>	<p>(1) A person commits object rape of a child when the person causes the penetration or touching, however slight, of the genital or anal opening of a child who is under the age of 14 by any foreign object, substance, instrument, or device, not including a part of the human body, with intent to cause substantial emotional or bodily pain to the child or with the intent to arouse or gratify the sexual desire of any person.</p> <p>(2)(a) Object rape of a child is a first degree felony punishable by imprisonment for an indeterminate term of</p>	6 years - Life

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		not less than 6, 10, or 15 years and which may be for life. (b) Imprisonment is mandatory in accordance with Section 76-3-406 .	
	Unlawful Sexual Activity with a Minor UTAH CODE ANN. § 76-5-401 (2006).	(1) For purposes of this section "minor" is a person who is 14 years of age or older, but younger than 16 years of age, at the time the sexual activity described in this section occurred. (2) A person commits unlawful sexual activity with a minor if, under circumstances not amounting to rape, in violation of Section 76-5-402 , object rape, in violation of Section 76-5-402.2 , forcible sodomy, in violation of Section 76-5-403 , or aggravated sexual assault, in violation of Section 76-5-405 , the actor: (a) has sexual intercourse with the minor; (b) engages in any sexual act with the minor involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or (c) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant. (3) A violation of Subsection (2) is a third degree felony unless the defendant establishes by a preponderance of the evidence the mitigating factor that the defendant is less than four years older than the minor at the time the sexual activity occurred, in which case it is a class B misdemeanor.	Up to 5 years, unless offender is less than 4 years older than child, then up to 6 months
	Sexual Abuse of a Minor UTAH CODE ANN. § 76-5-401.1 (2006).	(1) For purposes of this section "minor" is a person who is 14 years of age or older, but younger than 16 years of age, at the time the sexual activity described in this section occurred. (2) A person commits sexual abuse of a minor if the person is seven years or more older than the minor and, under circumstances not amounting to rape, in violation of Section 76-5-402 , object rape, in violation of Section 76-5-402.2 , forcible sodomy, in violation of Section 76-5-403 , aggravated sexual assault, in violation of Section 76-5-405 , unlawful sexual activity with a minor, in violation of Section 76-5-401 , or an attempt to commit any of those offenses, the person touches the anus, buttocks, or any part of the genitals of the minor, or touches the breast of a female minor, or otherwise takes indecent liberties with the minor, or causes a minor to take indecent liberties with the actor or another person, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person regardless of the sex of any participant. 3) A violation of this section is a class A misdemeanor.	Up to 1 year
	Unlawful Sexual Conduct with a 16 or 17 year old UTAH CODE ANN. § 76-5-401.2 (2006).	(1) For purposes of this section "minor" means a person who is 16 years of age or older, but younger than 18 years of age, at the time the sexual conduct described in this section occurred. (2) A person commits unlawful sexual conduct with a minor if, under circumstances not amounting to rape, in violation of Section 76-5-402 , object rape, in violation of Section 76-5-402.2 , forcible sodomy, in violation of Section 76-5-403 , or aggravated sexual assault, in violation of Section 76-5-405 , the actor who is ten or more years older than the minor at the time of the sexual conduct: (a) has sexual intercourse with the minor; (b) engages in any sexual act with the minor involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or	Up to 5 years

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		<p>(c) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant.</p> <p>(3) A violation of Subsection (2) is a third degree felony.</p>	
	<p>Rape of a Child UTAH CODE ANN. § 76-5-402.1 (2006).</p>	<p>(1) A person commits rape of a child when the person has sexual intercourse with a child who is under the age of 14.</p> <p>(2) Rape of a child is a first degree felony punishable by imprisonment for an indeterminate term of not less than 6, 10, or 15 years and which may be for life.</p> <p>Imprisonment is mandatory in accordance with Section 76-3-406.</p>	6 years to Life
	<p>Sodomy on a child UTAH CODE ANN. § 76-5-403.1 (2006).</p>	<p>(1) A person commits sodomy upon a child if the actor engages in any sexual act upon or with a child who is under the age of 14, involving the genitals or anus of the actor or the child and the mouth or anus of either person, regardless of the sex of either participant.</p> <p>(2) Sodomy upon a child is a first degree felony punishable by imprisonment for an indeterminate term of not less than 6, 10, or 15 years and which may be for life.</p> <p>Imprisonment is mandatory in accordance with Section 76-3-406.</p>	6 years to Life
	<p>Sexual Abuse of a Child UTAH CODE ANN. § 76-5-404.1(1-3) (2006).</p>	<p>(1) As used in this section, "child" means a person under the age of 14.</p> <p>(2) A person commits sexual abuse of a child if, under circumstances not amounting to rape of a child, object rape of a child, sodomy upon a child, or an attempt to commit any of these offenses, the actor touches the anus, buttocks, or genitalia of any child, the breast of a female child, or otherwise takes indecent liberties with a child, or causes a child to take indecent liberties with the actor or another with intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person regardless of the sex of any participant.</p> <p>(3) Sexual abuse of a child is punishable as a second degree felony.</p>	1-15 years
	<p>Aggravated Sexual Abuse of a Child UTAH CODE ANN. § 76-5-404.1(4), (5) (2006).</p>	<p>(4) A person commits aggravated sexual abuse of a child when in conjunction with the offense described in Subsection (2) any of the following circumstances have been charged and admitted or found true in the action for the offense:</p> <p>(a) the offense was committed by the use of a dangerous weapon as defined in Section 76-1-601, or by force, duress, violence, intimidation, coercion, menace, or threat of harm, or was committed during the course of a kidnapping;</p> <p>(b) the accused caused bodily injury or severe psychological injury to the victim during or as a result of the offense;</p> <p>(c) the accused was a stranger to the victim or made friends with the victim for the purpose of committing the offense;</p> <p>(d) the accused used, showed, or displayed pornography or caused the victim to be photographed in a lewd condition during the course of the offense;</p> <p>(e) the accused, prior to sentencing for this offense, was previously convicted of any felony, or of a misdemeanor involving a sexual offense;</p>	5 years to Life

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		<p>(f) the accused committed the same or similar sexual act upon two or more victims at the same time or during the same course of conduct;</p> <p>(g) the accused committed, in Utah or elsewhere, more than five separate acts, which if committed in Utah would constitute an offense described in this chapter, and were committed at the same time, or during the same course of conduct, or before or after the instant offense;</p> <p>(h) the offense was committed by a person who occupied a position of special trust in relation to the victim; "position of special trust" means that position occupied by a person in a position of authority, who, by reason of that position is able to exercise undue influence over the victim, and includes, but is not limited to, a youth leader or recreational leader who is an adult, adult athletic manager, adult coach, teacher, counselor, religious leader, doctor, employer, foster parent, baby-sitter, adult scout leader, natural parent, stepparent, adoptive parent, legal guardian, grandparent, aunt, uncle, or adult cohabitant of a parent;</p> <p>(i) the accused encouraged, aided, allowed, or benefited from acts of prostitution or sexual acts by the victim with any other person, or sexual performance by the victim before any other person; or</p> <p>(j) the accused caused the penetration, however slight, of the genital or anal opening of the child by any part or parts of the human body other than the genitals or mouth.</p> <p>(5) Aggravated sexual abuse of a child is a first degree felony punishable by imprisonment for an indeterminate term of not less than five years and which may be for life.</p>	
	<p>Custodial sexual relations or misconduct with youth receiving state services UTAH CODE ANN. § 76-5-413 (2006).</p>	<p>(1) As used in this section:</p> <p>(a) "Actor" means:</p> <p>(i) a person employed by the Department of Human Services, as created in Section 2A-1-102, or an employee of a private provider or contractor; or</p> <p>(ii) a person employed by the juvenile court of the state, or an employee of a private provider or contractor.</p> <p>(b) "Department" means the Department of Human Services created in Section 62A-1-102.</p> <p>(c) "Juvenile court" means the juvenile court of the state created in Section 78-3a-102.</p> <p>(d) "Private provider or contractor" means any person or entity that contracts with the:</p> <p>(i) department to provide services or functions that are part of the operation of the department; or</p> <p>(ii) juvenile court to provide services or functions that are part of the operation of the juvenile court.</p> <p>(e) "Youth receiving state services" means a person:</p> <p>(i) younger than 18 years of age, except as provided under Subsection (1)(e)(ii), who is:</p> <p>(A) in the custody of the department under Subsection 78-3a-118(2)(c)(ii); or</p> <p>(B) receiving services from any division of the department if any portion of the costs of these services is covered by public monies as defined in Section 76-8-401; or</p> <p>(ii) younger than 21 years of age who is:</p> <p>(A) in the custody of the Division of Juvenile Justice Services, or the Division of Child and Family Services; or</p> <p>(B) under the jurisdiction of the juvenile court.</p> <p>(2) (a) An actor commits custodial sexual relations with a youth receiving state services if the actor commits</p>	<p>A violation of Subsection (2)(a) is a not to exceed 5 years imprisonment, but if the youth receiving state services is younger than 18 years of age, a violation of Subsection (2)(a) can result in up to one year but not more than 15 years imprisonment</p>

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		<p>any of the acts under Subsection (3):</p> <p>(i) under circumstances not amounting to commission of, or an attempt to commit, an offense under Subsection (6); and</p> <p>(ii) (A) the actor knows that the individual is a youth receiving state services; or (B) a reasonable person in the actor's position should have known under the circumstances that the individual was a youth receiving state services.</p> <p>(b) A violation of Subsection (2)(a) is a third degree felony, but if the youth receiving state services is younger than 18 years of age, a violation of Subsection (2)(a) is a second degree felony.</p> <p>(c) If the act committed under this Subsection (2) amounts to an offense subject to a greater penalty under another provision of state law than is provided under this Subsection (2), this Subsection (2) does not prohibit prosecution and sentencing for the more serious offense.</p> <p>(3) Acts referred to in Subsection (2)(a) are:</p> <p>(a) having sexual intercourse with a youth receiving state services;</p> <p>(b) engaging in any sexual act with a youth receiving state services involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or</p> <p>(c) causing the penetration, however slight, of the genital or anal opening of a youth receiving state services by any foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any person, regardless of the sex of any participant or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant.</p> <p>(4) (a) An actor commits custodial sexual misconduct with a youth receiving state services if the actor commits any of the acts under Subsection (5):</p> <p>(i) under circumstances not amounting to commission of, or an attempt to commit, an offense under Subsection (6); and</p> <p>(ii) (A) the actor knows that the individual is a youth receiving state services; or (B) a reasonable person in the actor's position should have known under the circumstances that the individual was a youth receiving state services.</p> <p>(b) A violation of Subsection (4)(a) is a class A misdemeanor, but if the youth receiving state services is younger than 18 years of age, a violation of Subsection (4)(a) is a third degree felony.</p> <p>(c) If the act committed under this Subsection (4) amounts to an offense subject to a greater penalty under another provision of state law than is provided under this Subsection (4), this Subsection (4) does not prohibit prosecution and sentencing for the more serious offense.</p> <p>(5) Acts referred to in Subsection (4)(a) are the following acts when committed with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant:</p> <p>(a) touching the anus, buttocks, or any part of the genitals of a youth receiving state services;</p> <p>(b) touching the breast of a female youth receiving state services;</p> <p>(c) otherwise taking indecent liberties with a youth receiving state services; or</p> <p>(d) causing a youth receiving state services to take indecent liberties with the actor or another person.</p>	<p>A violation of Subsection (4)(a) can result in up to 1 year imprisonment, but if the youth receiving state services is younger than 18 years of age, a violation of Subsection (4)(a) can result in imprisonment of up to 5 years.</p>

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		<p>(6) The offenses referred to in Subsections (2)(a)(i) and (4)(a)(i) are:</p> <ul style="list-style-type: none"> (a) Section 76-5-401, unlawful sexual activity with a minor; (b) Section 76-5-402, rape; (c) Section 76-5-402.1, rape of a child; (d) Section 76-5-402.2, object rape; (e) Section 76-5-402.3, object rape of a child; (f) Section 76-5-403, forcible sodomy; (g) Section 76-5-403.1, sodomy on a child; (h) Section 76-5-404, forcible sexual abuse; (i) Section 76-5-404.1, sexual abuse of a child or aggravated sexual abuse of a child; or (j) Section 76-5-405, aggravated sexual assault. <p>(7) (a) It is not a defense to the commission of the offense of custodial sexual relations with a youth receiving state services under Subsection (2) or custodial sexual misconduct with a youth receiving state services under Subsection (4), or an attempt to commit either of these offenses, if the youth receiving state services is younger than 18 years of age, that the actor:</p> <ul style="list-style-type: none"> (i) mistakenly believed the youth receiving state services to be 18 years of age or older at the time of the alleged offense; or (ii) was unaware of the true age of the youth receiving state services. <p>(b) Consent of the youth receiving state services is not a defense to any violation or attempted violation of Subsection (2) or (4).</p> <p>(8) It is a defense that the commission by the actor of an act under Subsection (2) or (4) is the result of compulsion, as the defense is described in Subsection 76-2-302(1).</p>	
<p>Vermont</p>	<p><u>Definitions</u> VT. STAT. ANN. tit. 13, § 3251 (2006).</p>	<p>As used in this chapter:</p> <ul style="list-style-type: none"> (1) A "sexual act" means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another. (2) "Sexual conduct" means any conduct or behavior relating to sexual activities of the complaining witness, including but not limited to prior experience of sexual acts, use of contraceptives, living arrangement and mode of living. (3) "Consent" means words or actions by a person indicating a voluntary agreement to engage in a sexual act. (4) "Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes substantial loss or impairment of the function of any bodily member or organ, or substantial impairment of health, or substantial disfigurement. (5) "Bodily injury" means physical pain, illness or any impairment of physical condition. (6) "Actor" means a person charged with sexual assault or aggravated sexual assault. (7) "Deadly force" means physical force which a person uses with the intent of causing, or which the person knows or should have known would create a substantial risk of causing, death or serious bodily injury. 	<p>N/A</p>

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		(8) "Deadly weapon" means (A) any firearm; or (B) any weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury.	
	Sexual Assault VT. STAT. ANN. tit. 13, § 3252(a) (2006).	(a) A person who engages in a sexual act with another person and (1) Compels the other person to participate in a sexual act: (A) Without the consent of the other person; or (B) By threatening or coercing the other person; or (C) By placing the other person in fear that any person will suffer imminent bodily injury; or (2) Has impaired substantially the ability of the other person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge or against the will of the other person; or (3) The other person is under the age of 16, except where the persons are married to each other and the sexual act is consensual; or (4) The other person is under the age of 18 and is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child or step-child; shall be imprisoned for not more than 20 years, or fined not more than \$10,000.00, or both. (b) A person who engages in a sexual act with another person under the age of 16 and (1) the victim is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child or step-child; or (2) the actor is at least 18 years of age, resides in the victim's household and serves in a parental role with respect to the victim; shall be imprisoned for not more than 35 years, or fined not more than \$25,000.00, or both.	Up to 20 years
	Sexual Assault VT. STAT. ANN. tit. 13, § 3252(b) (2006).	A person who engages in a sexual act with another person under the age of 16 and (1) the victim is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child or step-child; or (2) the actor is at least 18 years of age, resides in the victim's household and serves in a parental role with respect to the victim; shall be imprisoned for not more than 35 years, or fined not more than \$25,000.00, or both.	Up to 35 years
	Aggravated Sexual Assault 13.3252	(a) A person commits the crime of aggravated sexual assault if the person commits sexual assault under any one of the following circumstances: (1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another. (2) The actor is joined or assisted by one or more persons in physically restraining, assaulting or sexually assaulting the victim. (3) The actor commits the sexual act under circumstances which constitute the crime of kidnapping. (4) The actor has previously been convicted in this state of sexual assault under subdivision 3252(a)(1) or (2) of this title or aggravated sexual assault or has been convicted in any jurisdiction in the United States or territories of an offense which would constitute sexual assault under subdivision 3252(a)(1) or (2) of this title	Up to Life

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		<p>or aggravated sexual assault if committed in this state.</p> <p>(5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.</p> <p>(6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another and the victim reasonably believes that the actor has the present ability to carry out the threat.</p> <p>(7) At the time of the sexual assault, the actor applies deadly force to the victim.</p> <p>(8) The victim is under the age of 10 and the actor is at least 18 years of age.</p> <p>(9) The victim is subjected by the actor to repeated nonconsensual sexual acts as part of the same occurrence or the victim is subjected to repeated nonconsensual sexual acts as part of the actor's common scheme and plan.</p> <p>(b) A person who commits the crime of aggravated sexual assault shall be imprisoned up to and including life or fined not more than \$50,000.00, or both. No person who receives a minimum sentence under this section shall be eligible for early release or furlough until the expiration of the minimum sentence imposed.</p>	
<p>Virginia</p>	<p>Taking Indecent Liberties with Children VA. CODE ANN. §18.2-370 (2006).</p>	<p>A. Any person 18 years of age or over, who, with lascivious intent, knowingly and intentionally commits any of the following acts with any child under the age of 15 years is guilty of a Class 5 felony:</p> <p>(1) Expose his or her sexual or genital parts to any child to whom such person is not legally married or propose that any such child expose his or her sexual or genital parts to such person; or</p> <p>(2) Repealed.</p> <p>(3) Propose that any such child feel or fondle the sexual or genital parts of such person or propose that such person feel or fondle the sexual or genital parts of any such child; or</p> <p>(4) Propose to such child the performance of an act of sexual intercourse or any act constituting an offense under § 18.2-361; or</p> <p>(5) Entice, allure, persuade, or invite any such child to enter any vehicle, room, house, or other place, for any of the purposes set forth in the preceding subdivisions of this section.</p> <p>B. Any person 18 years of age or over who, with lascivious intent, knowingly and intentionally receives money, property, or any other remuneration for allowing, encouraging, or enticing any person under the age of 18 years to perform in or be a subject of sexually explicit visual material as defined in § 18.2-374.1 or who knowingly encourages such person to perform in or be a subject of sexually explicit material; shall be guilty of a Class 5 felony.</p> <p>C. Any person who is convicted of a second or subsequent violation of this section shall be guilty of a Class 4 felony; provided that (i) the offenses were not part of a common act, transaction or scheme; (ii) the accused was at liberty as defined in § 53.1-151 between each conviction; and (iii) it is admitted, or found by the jury or judge before whom the person is tried, that the accused was previously convicted of a violation of this section.</p> <p>D. Any parent, step-parent, grandparent or step-grandparent who commits a violation of either this section or clause (v) or (vi) of subsection A of § 18.2-370.1 (i) upon his child, step-child, grandchild or step-grandchild who is at least 15 but less than 18 years of age is guilty of a Class 5 felony or (ii) upon his child, step-child, grandchild or step-grandchild less than 15 years of age is guilty of a Class 4 felony.</p>	<p>1 – 10 years</p>

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	<p>Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual battery VA. CODE ANN. § 18.2-67.5 (2006).</p>	<p>A. An attempt to commit rape, forcible sodomy, or inanimate or animate object sexual penetration shall be punishable as a Class 4 felony. B. An attempt to commit aggravated sexual battery shall be a felony punishable as a Class 6 felony. C. An attempt to commit sexual battery is a Class 1 misdemeanor.</p>	<p>A: no less than 2 years, no more than 10 years imprisonment B: no less than one year, no more than five years imprisonment C: no more than 12 months imprisonment</p>
	<p>Taking Indecent Liberties By Children VA. CODE ANN. § 18.2-370.01 (2006).</p>	<p>Any child over the age of thirteen years but under the age of eighteen who, with lascivious intent, knowingly and intentionally exposes his or her sexual or genital parts to any other child under the age of fourteen years who, measured by actual dates of birth, is five or more years the accused's junior, or proposes that any such child expose his or her sexual or genital parts to such person, shall be guilty of a Class 1 misdemeanor.</p>	
	<p>Taking Indecent Liberties with Child by Person in Custodial or Supervisory Relationship VA. CODE ANN. § 18.2-370.1(A) (2006).</p>	<p>A. Any person 18 years of age or older who, except as provided in § 18.2-370, maintains a custodial or supervisory relationship over a child under the age of 18 and is not legally married to such child and such child is not emancipated who, with lascivious intent, knowingly and intentionally (i) proposes that any such child feel or fondle the sexual or genital parts of such person or that such person feel or handle the sexual or genital parts of the child; or (ii) proposes to such child the performance of an act of sexual intercourse or any act constituting an offense under § 18.2-361; or (iii) exposes his or her sexual or genital parts to such child; or (iv) proposes that any such child expose his or her sexual or genital parts to such person; or (v) proposes to the child that the child engage in sexual intercourse, sodomy or fondling of sexual or genital parts with another person; or (vi) sexually abuses the child as defined in § 18.2-67.10 (6), shall be guilty of a Class 6 felony.</p>	1 – 5 years
	<p>Causing or rendering children delinquent, abused, etc VA. CODE ANN. § 18.2-371 (2006).</p>	<p>Any person 18 years of age or older, including the parent of any child, who (i) willfully contributes to, encourages, or causes any act, omission, or condition which renders a child delinquent, in need of services, in need of supervision, or abused or neglected as defined in § 16.1-228, or (ii) engages in consensual sexual intercourse with a child 15 or older not his spouse, child, or grandchild, shall be guilty of a Class 1 misdemeanor. This section shall not be construed as repealing, modifying, or in any way affecting §§ 18.2-18, 18.2-19, 18.2-61, 18.2-63, 18.2-66, and 18.2-347. If the prosecution under this section is based solely on the accused parent having left the child at a hospital or rescue squad, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child to a hospital that provides</p>	Up to 1 year

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		24-hour emergency services or to an attended rescue squad that employs emergency medical technicians, within the first 14 days of the child's life.	
	Rape VA. CODE ANN. § 18.2-61(A) (2006).	If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape.	5 years to Life
	Carnal Knowledge of a Child Between 13 and 15 years old VA. CODE ANN. § 18.2-63 (2006).	If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age, such person shall be guilty of a Class 4 felony. However, if such child is thirteen years of age or older but under fifteen years of age and consents to sexual intercourse and the accused is a minor and such consenting child is three years or more the accused's junior, the accused shall be guilty of a Class 6 felony. If such consenting child is less than three years the accused's junior, the accused shall be guilty of a Class 4 misdemeanor. In calculating whether such child is three years or more a junior of the accused minor, the actual dates of birth of the child and the accused, respectively, shall be used. For the purposes of this section, (i) a child under the age of thirteen years shall not be considered a consenting child and (ii) "carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anallingus, anal intercourse, and animate and inanimate object sexual penetration.	2 – 10 years
	Carnal Knowledge of Certain minors VA. CODE ANN. § 18.2-64.1 (2006).	If any person providing services, paid or unpaid, to juveniles under the purview of the Juvenile and Domestic Relations District Court Law, or to juveniles who have been committed to the custody of the State Department of Juvenile Justice, carnally knows, without the use of force, any minor fifteen years of age or older, when such minor is confined or detained in jail, is detained in any facility mentioned in § 16.1-249, or has been committed to the custody of the Department of Juvenile Justice pursuant to § 16.1-278.8, knowing or having good reason to believe that (i) such minor is in such confinement or detention status, (ii) such minor is a ward of the Department of Juvenile Justice, or (iii) such minor is on probation, furlough, or leave from or has escaped or absconded from such confinement, detention, or custody, he shall be guilty of a Class 6 felony. For the purposes of this section, "carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anallingus, anal intercourse, and animate and inanimate object sexual penetration.	1 – 5 years
Washington	Definitions WASH. REV. CODE ANN. § 9A.44.010 (2006).	As used in this chapter: (1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and (b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and (c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex. (2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.	N/A

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		<p>(3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.</p> <p>(4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.</p> <p>(5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.</p> <p>(6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.</p> <p>(7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.</p> <p>(8) "Significant relationship" means a situation in which the perpetrator is:</p> <p>(a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors;</p> <p>(b) A person who in the course of his or her employment supervises minors; or</p> <p>(c) A person who provides welfare, health or residential assistance, personal care, or organized recreational activities to frail elders or vulnerable adults, including a provider, employee, temporary employee, volunteer, or independent contractor who supplies services to long-term care facilities licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW, but not including a consensual sexual partner.</p> <p>(9) "Abuse of a supervisory position" means:</p> <p>(a) To use a direct or indirect threat or promise to exercise authority to the detriment or benefit of a minor; or</p> <p>(b) To exploit a significant relationship in order to obtain the consent of a minor.</p> <p>(10) "Developmentally disabled," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW 71A.10.020.</p> <p>(11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1) (c) or (e) and 9A.44.100(1) (c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.</p> <p>(12) "Mentally disordered person" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020.</p> <p>(13) "Chemically dependent person" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in RCW 70.96A.020(4).</p> <p>(14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered under chapter 18.19 RCW or licensed under chapter</p>	

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		<p>18.225 RCW, regardless of whether the health care provider is licensed, certified, or registered by the state.</p> <p>(15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.</p> <p>(16) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" also includes a person found incapacitated under chapter 11.88 RCW, a person over eighteen years of age who has a developmental disability under chapter 71A.10 RCW, a person admitted to a long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and a person receiving services from a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW.</p>	
	<p>1° Rape of a Child WASH. REV. CODE ANN. § 9A.44.073(1) (2006).</p>	A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least twenty-four months older than the victim	93-123 months
	<p>2° Rape of a Child WASH. REV. CODE ANN. § 9A.44.076(1) (2006).</p>	A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.	78-102 months
	<p>3° Rape of a Child WASH. REV. CODE ANN. § 9A.44.079(1) (2006).</p>	A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim.	12 – 14 months
	<p>1° Child Molestation WASH. REV. CODE ANN. § 9A.44.083(1) (2006).</p>	A person is guilty of child molestation in the first degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.	51-68 months
	<p>2° Child Molestation</p>	A person is guilty of child molestation in the second degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least twelve years old	15-20 months

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	WASH. REV. CODE ANN. § 9A.44.086(1) (2006).	but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.	
	3° Child Molestation WASH. REV. CODE ANN. § 9A.44.089(1) (2006).	A person is guilty of child molestation in the third degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim.	12-14 months
	1° Sexual Misconduct with a Minor WASH. REV. CODE ANN. § 9A.44.093(1) (2006).	A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with a registered student of the school who is at least sixteen years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with his or her foster child who is at least sixteen.	6-12 months
	2° Sexual Misconduct with a Minor WASH. REV. CODE ANN. § 9A.44.096(1) (2006).	A person is guilty of sexual misconduct with a minor in the second degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual contact with a registered student of the school who is at least sixteen years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual contact with his or her foster child who is at least sixteen.	Up to 1 year
West Virginia	1° Sexual Assault W. VA. CODE ANN. § 61-8B-3	(a) A person is guilty of sexual assault in the first degree when: (1) The person engages in sexual intercourse or sexual intrusion with another person and, in so doing: (i) Inflicts serious bodily injury upon anyone; or (ii) Employs a deadly weapon in the commission of the act; or	15 – 35 years old

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	(2006).	(2) The person, being fourteen years old or more, engages in sexual intercourse or sexual intrusion with another person who is eleven years old or less and is not married to that person. (b) Any person violating the provisions of this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than fifteen nor more than thirty-five years, or fined not less than one thousand dollars nor more than ten thousand dollars and imprisoned in a state correctional facility not less than fifteen nor more than thirty-five years	
	3° Sexual Assault W. VA. CODE ANN. § 61-8B-5 (2006).	(a) A person is guilty of sexual assault in the third degree when: (1) The person engages in sexual intercourse or sexual intrusion with another person who is mentally defective or mentally incapacitated; or (2) The person, being sixteen years old or more, engages in sexual intercourse or sexual intrusion with another person who is less than sixteen years old and who is at least four years younger than the defendant and is not married to the defendant. (b) Any person violating the provisions of this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one year nor more than five years, or fined not more than ten thousand dollars and imprisoned in a state correctional facility not less than one year nor more than five years.	1 – 5 years
	1° Sexual Abuse W. VA. CODE ANN. § 61-8B-7 (2006).	(a) A person is guilty of sexual abuse in the first degree when: (1) Such person subjects another person to sexual contact without their consent, and the lack of consent results from forcible compulsion; or (2) Such person subjects another person to sexual contact who is physically helpless; or (3) Such person, being fourteen years old or more, subjects another person to sexual contact who is eleven years old or less. (b) Any person who violates the provisions of this section shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one year nor more than five years, or fined not more than ten thousand dollars and imprisoned in the penitentiary not less than one year nor more than five years.	1 – 5 years
	3° Sexual Abuse W. VA. CODE ANN. § 61-8B-9 (2006).	(a) A person is guilty of sexual abuse in the third degree when he subjects another person to sexual contact without the latter's consent, when such lack of consent is due to the victim's incapacity to consent by reason of being less than sixteen years old. (b) In any prosecution under this section it is a defense that: (1) The defendant was less than sixteen years old; or (2) The defendant was less than four years older than the victim. (c) Any person who violates the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in the county jail not more than ninety days, or fined not more than five hundred dollars and confined in the county jail not more than ninety days.	Up to 90 days
Wisconsin	1° Sexual Assault of a	Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 13 years is guilty of a Class B felony	Up to 60 years

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	Child WIS. STAT. ANN. § WSA 948.02(1) (2006).		
	2° Sexual Assault of a Child WIS. STAT. ANN. § WSA 948.02(2) (2006).	Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 16 years is guilty of a Class C felony.	Up to 40 years
	Sexual Intercourse with a Child 16 or older WIS. STAT. ANN. § 948.09 (2006).	Whoever has sexual intercourse with a child who is not the defendant's spouse and who has attained the age of 16 years is guilty of a Class A misdemeanor.	Up to 9 months
	Exposing genitals or pubic area WIS. STAT. ANN. § 948.10 (2006).	(1) Whoever, for purposes of sexual arousal or sexual gratification, causes a child to expose genitals or pubic area or exposes genitals or pubic area to a child is guilty of a Class A misdemeanor. (2) Subsection (1) does not apply under any of the following circumstances: (a) The child is the defendant's spouse. (b) A mother's breast-feeding of her child.	Up to 9 months
Wyoming	Definitions WYO. STAT. ANN. § 6-2-301 (2006).	(a) As used in this article: (i) "Actor" means the person accused of criminal assault; (ii) "Intimate parts" means the external genitalia, perineum, anus or pubes of any person or the breast of a female person; (iii) "Physically helpless" means unconscious, asleep or otherwise physically unable to communicate unwillingness to act; (iv) "Position of authority" means that position occupied by a parent, guardian, relative, household member, teacher, employer, custodian or any other person who, by reason of his position, is able to exercise significant influence over a person; (v) "Sexual assault" means any act made criminal pursuant to W.S. 6-2-302 through 6-2-304 ; (vi) "Sexual contact" means touching, with the intention of sexual arousal, gratification or abuse, of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or of the clothing covering the immediate area of the victim's or actor's intimate parts;	N/A

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		(vii) "Sexual intrusion" means: (A) Any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse; or (B) Sexual intercourse, cunnilingus, fellatio, analingus or anal intercourse with or without emission. (viii) "Victim" means the person alleged to have been subjected to sexual assault; (ix) "This article" means W.S. 6-2-301 through 6-2-313 .	
	2° Sexual Assault WYO. STAT. ANN. § 6-2-303 (2006).	(a) Any actor who inflicts sexual intrusion on a victim commits sexual assault in the second degree if, under circumstances not constituting sexual assault in the first degree: (i) The actor causes submission of the victim by threatening to retaliate in the future against the victim or the victim's spouse, parents, brothers, sisters or children, and the victim reasonably believes the actor will execute this threat. "To retaliate" includes threats of kidnapping, death, serious bodily injury or extreme physical pain; (ii) The actor causes submission of the victim by any means that would prevent resistance by a victim of ordinary resolution; (iii) The actor administers, or knows that someone else administered to the victim, without the prior knowledge or consent of the victim, any substance which substantially impairs the victim's power to appraise or control his conduct; (iv) The actor knows or should reasonably know that the victim submits erroneously believing the actor to be the victim's spouse; (v) At the time of the commission of the act the victim is less than twelve (12) years of age and the actor is at least four (4) years older than the victim; (vi) The actor is in a position of authority over the victim and uses this position of authority to cause the victim to submit; or (vii) The actor inflicts sexual intrusion in treatment or examination of a victim for purposes or in a manner substantially inconsistent with reasonable medical practices. (b) A person is guilty of sexual assault in the second degree if he subjects another person to sexual contact and causes serious bodily injury to the victim under any of the circumstances listed in W.S. 6-2-302(a)(i) through (iv) or paragraphs (a)(i) through (vi) of this section.	Up to 20 years
	3° Sexual Assault WYO. STAT. ANN. § 6-2-304 (2006).	(a) An actor commits sexual assault in the third degree if, under circumstances not constituting sexual assault in the first or second degree: (i) The actor is at least four (4) years older than the victim and inflicts sexual intrusion on a victim under the age of sixteen (16) years; or (ii) The actor is an adult and subjects a victim under the age of fourteen (14) years to sexual contact without inflicting sexual intrusion on the victim and without causing serious bodily injury to the victim; (iii) The actor subjects a victim to sexual contact under any of the circumstances of W.S. 6-2-302(a)(i) through (iv) or 6-2-303(a)(i) through (vi) without inflicting sexual intrusion on the victim and without causing serious bodily injury to the victim.	Up to 15 years
	Sexual Battery	a) Except under circumstances constituting a violation of W.S. 6-2-302 through 6-2-304, 6-2-502 or 14-3-	No more than

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State	Offense	Offenses	Penalty
	WYO. STAT. ANN. § 6-2-313 (2006).	105, an actor who unlawfully subjects another person to any sexual contact is guilty of sexual battery.	one year imprisonment
District of Columbia	Definitions D.C. CODE § 22-3001(2006).	<p>For the purposes of this chapter:</p> <p>(1) "Actor" means a person accused of any offense proscribed under this chapter.</p> <p>(2) "Bodily injury" means injury involving loss or impairment of the function of a bodily member, organ, or mental faculty, or physical disfigurement, disease, sickness, or injury involving significant pain.</p> <p>(3) "Child" means a person who has not yet attained the age of 16 years.</p> <p>(4) "Consent" means words or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats, or coercion by the defendant shall not constitute consent.</p> <p>(5) "Force" means the use or threatened use of a weapon; the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or the use of a threat of harm sufficient to coerce or compel submission by the victim.</p> <p>(6) "Official custody" means:</p> <p>(A) Detention following arrest for an offense; following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following or pending civil commitment proceedings, or pending extradition, deportation, or exclusion;</p> <p>(B) Custody for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation; or</p> <p>(C) Probation or parole.</p> <p>(7) "Serious bodily injury" means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.</p> <p>(8) "Sexual act" means:</p> <p>(A) The penetration, however slight, of the anus or vulva of another by a penis;</p> <p>(B) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or</p> <p>(C) The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.</p> <p>(D) The emission of semen is not required for the purposes of subparagraphs (A)-(C) of this paragraph.</p> <p>(9) "Sexual contact" means the touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.</p> <p>(10) "Significant relationship" includes:</p> <p>(A) A parent, sibling, aunt, uncle, or grandparent, whether related by blood, marriage, or adoption;</p> <p>(B) A legal or de facto guardian or any person, more than 4 years older than the victim, who resides intermittently or permanently in the same dwelling as the victim;</p>	N/A

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		<p>(C) The person or the spouse or paramour of the person who is charged with any duty or responsibility for the health, welfare, or supervision of the victim at the time of the act; and (D) A teacher, scout master, coach, recreation center leader, or others in similar positions. (11) "Victim" means a person who is alleged to have been subject to any offense set forth in subchapter II of this chapter.</p>	
	<p>1° Child Sexual Abuse D.C. CODE § 22-3008 (2006).</p>	<p>Whoever, being at least 4 years older than a child, engages in a sexual act with that child or causes that child to engage in a sexual act shall be imprisoned for any term of years or for life and, in addition, may be fined an amount not to exceed \$250,000. However, the court may impose a prison sentence in excess of 30 years only in accordance with § 22-3020 or § 24-403.01(b-2). For purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7), the offense defined by this section is a Class A felony.</p>	<p>Up to 30 years</p>
	<p>2° Child Sexual Abuse D.C. CODE § 22-3009 (2006).</p>	<p>Whoever, being at least 4 years older than a child, engages in sexual contact with that child or causes that child to engage in sexual contact shall be imprisoned for not more than 10 years and, in addition, may be fined in an amount not to exceed \$100,000.</p>	<p>Up to 10 years</p>
<p>Guam</p>	<p>Definitions GUAM CODE ANN. tit. 9, § 25.10 (2006).</p>	<p>(a) As used in this Chapter: (1) <i>Actor</i> means a person accused of criminal sexual conduct; (2) <i>Force</i> or <i>Coercion</i> includes but is not limited to any of the following circumstances: (i) when the actor overcomes the victim through the actual application of physical force or physical violence; (ii) when the actor coerces the victim to submit by threatening to use force or violence on the victim and the victim believes that the actor has the present ability to execute these threats; (iii) when the actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person and the victim believes that the actor has the ability to execute this threat. As used in this Subsection, to retaliate includes threats of physical punishment, kidnapping or extortion; (iv) when the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable; or (v) when the actor, through concealment or by the element of surprise, is able to overcome the victim. (3) <i>Intimate Parts</i> includes the primary genital area, groin, inner thigh, buttock or breast of a human being; (4) <i>Mentally Defective</i> means that a person suffers from a mental disease or defect which renders that person temporary or permanently incapable of appraising the nature of his or her conduct; (5) <i>Mentally Incapacitated</i> means that a person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without his or her consent, or due to any other act committed upon that person without his or her consent; (6) <i>Physically Helpless</i> means that a person is unconscious, asleep or for any other reason is physically unable to communicate unwillingness to an act; (7) <i>Personal Injury</i> means bodily injury, disfigurement, mental anguish, chronic pain, pregnancy, disease or loss or impairment of a sexual or reproductive organ;</p>	

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		<p>(8) <i>Sexual Contact</i> includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification;</p> <p>(9) <i>Sexual Penetration</i> means sexual intercourse, cunnilingus, fellatio, anal intercourse or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required; and</p> <p>(10) <i>Victim</i> means the person alleging to have been subjected to criminal sexual conduct.</p> <p>(b) Whenever in this Chapter the criminality of conduct depends on a child's being below the age of fourteen (14), it is no defense that the defendant reasonably believed the child to be fourteen (14) or older. Whenever in this Chapter the criminality of conduct depends on a child's being below a specified age older than fourteen (14), it is an affirmative defense that the defendant reasonably believed the child to be of that age or above.</p>	
	<p>1° Criminal Sexual Conduct GUAM CODE ANN. tit. 9, § 25.15(a)(1) (2006).</p>	<p>A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with the victim and if any of the following circumstances exists:</p> <p>(1) the victim is under fourteen (14) years of age;</p> <p>(2) the victim is at least fourteen (14) but less than sixteen (16) years of age and the actor is a member of the same household as the victim, the actor is related to the victim by blood or affinity to the fourth degree to the victim, or the actor is in a position of authority over the victim and used this authority to coerce the victim to submit;</p> <p>(3) sexual penetration occurs under circumstances involving the commission of any other felony;</p> <p>(4) the actor is aided or abetted by one or more other persons and either of the following circumstances exists:</p> <p>(i) the actor knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or</p> <p>(ii) the actor uses force or coercion to accomplish the sexual penetration.</p> <p>(5) the actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon;</p> <p>(6) the actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration; and</p> <p>(7) the actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless.</p>	<p>Sexual Intercourse: 15 years to Life</p> <p>Sexual contact: 3 – 15 years</p>
	<p>3° Criminal Sexual Conduct GUAM CODE ANN. tit. 9, § 25.25(a) (2006).</p>	<p>A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exists:</p> <p>(1) that other person is at least fourteen (14) years of age and under sixteen (16) years of age;</p> <p>(2) force or coercion is used to accomplish the sexual penetration; and</p> <p>(3) the actor knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless.</p>	<p>1 – 8 years</p>
Puerto Rico	<p>Rape P.R. LAWS ANN.</p>	<p>Every person who has carnal intercourse with a female who is not his wife, in any of the following circumstances shall be punished by imprisonment, as provided hereinafter:</p>	<p>Up to 15 years for intercourse</p>

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	tit. 33, § 4061 (2004).	(a) If the female is under fourteen (14) years of age. (b) If she is incapable, through illness or unsoundness of mind, whether temporary or permanent, to give legal consent. (c) If she has been compelled to the act by the use of irresistible physical force or threats of grave and immediate bodily harm, accompanied by apparent power of execution; or by overcoming or diminishing her capacity to resist substantially, without her knowledge, by means of hypnosis, narcotics, depressant or stimulant drugs or similar substances or means. (d) If at the time of committing the act, she was not aware of its nature and this circumstance is [was] known to the accused. (e) If she submits in the belief that the accused is her husband, and this belief is induced by any artifice, pretense or concealment put into practice by the accused.	with girl under 14 years old.
	Sodomy P.R. LAWS ANN. tit. 33, § 4065 (2004).	Any person who has sexual intercourse with a person of his same sex or commits the crime against nature with a human being shall be punished by imprisonment for a fixed term of ten (10) years. Should there be aggravating circumstances, the fixed penalty may be increased to a maximum of twelve (12) years; if there should be extenuating circumstances, it may be reduced to a minimum of six (6) years. The penalty of imprisonment shall be for a fixed term of twelve (12) years when the act of sodomy is committed in any of the following circumstances: (a) If the victim is under fourteen (14) years of age. (b) If the victim has been compelled to the act by the use of irresistible force, or threat of grave and immediate bodily harm, accompanied by apparent power of execution; or by overcoming or diminishing his will to resist, substantially, without his knowledge, by means of hypnosis, narcotics, depressants or stimulants, or similar substances or means. (c) If the victim, due to illness or temporary or permanent mental deficiency, is not capable of understanding the nature of the act at the moment it is committed. In any of the three preceding circumstances [subsections (a)-(c) of this section], the fixed penalty established may be increased to a maximum of twenty (20) years should there be aggravating factors, or reduced to a minimum of eight (8) years should there be extenuating circumstances.	12 years
	Lewd & Indecent Acts P.R. LAWS ANN. tit. 33, § 4067 (2004).	Every person who, without intending to consummate sexual intercourse, commits any indecent or lewd act with another person shall be punished by imprisonment as provided hereinafter if any of the following circumstances occur: (a) If the victim is under fourteen (14) years of age. (b) If the victim has been compelled by the use of irresistible physical force or under threat of grave and immediate bodily injury, accompanied by apparent power of execution or by substantially overcoming or diminishing his capacity to resist through hypnotic means, narcotics, depressant drugs or stimulants or similar substances or means without his knowledge. (c) If the victim is unable due to illness or unsoundness of mind, whether temporary or permanent, to give legal consent.	6 years

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		<p>(d) If the victim was compelled to the act without knowledge by the use of deceptive means that substantially overcome or diminish his capacity to resist.</p> <p>(e) If the victim is an ascendant or descendant in all degrees or a collateral by consanguinity up to the third degree of single or double bond, including the relationship as parent, male and female children or brothers or sisters by adoption.</p> <p>The punishment of imprisonment to be imposed for this crime shall be of a fixed term of six (6) years, except when dealing with variants of the crime specified in the following paragraph of this section. In the event of aggravating circumstances, the established fixed penalty shall be increased to a maximum of eight (8) years; in the event of extenuating circumstances, it shall be reduced to a minimum of four (4) years.</p> <p>When the crime is committed in any of the variants described in subsections (a) and (e) of this section or when the crime is committed after the perpetrator entered the home of the victim or a house or residential building where the victim is or its yard, premises or parking lot, the penalty of imprisonment shall be for a fixed term of eight (8) years. In the event of other aggravating circumstances the established fixed term may be increased up to a maximum of ten (10) years; if extenuating circumstances intervene, it may be reduced to a minimum of six (6) years.</p>	
<p>Virgin Islands</p>	<p>Definitions 14 V.I.C. § 1699 (2005).</p>	<p>As used in this chapter, unless the context clearly indicates otherwise:</p> <p>(a) "perpetrator" means a person accused of rape or unlawful sexual contact.</p> <p>(b) "personal injury" means serious bodily injury, disfigurement, chronic pain, disease, or loss or impairment of a sexual or reproductive organ.</p> <p>(c) "sexual contact" means the intentional touching of a person's intimate parts, whether directly or through clothing, to arouse or to gratify the sexual desires of any person. The term "intimate parts" means the primary genital area, groin, inner thighs, buttocks, or breasts of a person.</p> <p>(d) "sexual intercourse" means vaginal intercourse or any insertion, however slight, of a hand, finger or object into the vagina, vulva, or labia, excluding such insertion for medical treatment or examination.</p> <p>(e) "sodomy" means carnal knowledge of any person by the mouth, i.e., cunnilingus or fellatio; or by the anus; or by submission to the same; or by any insertion, however slight, of any object into a person's anus, excluding such insertion for medical treatment or examination.</p> <p>(f) "victim" means the person alleging to have been subjected to rape or unlawful sexual contact.</p>	
	<p>1° Aggravated Rape 14 V.I.C. § 1700 (2005).</p>	<p>(a) Whoever perpetrates an act of sexual intercourse or sodomy with a person not the perpetrator's spouse:</p> <p>(1) Who is under the age of thirteen, or ...</p> <p>(2) who is under sixteen years of age residing in the same household as the perpetrator, and force, intimidation, or the perpetrator's position of authority over the victim is used to accomplish the sexual act; or</p> <p>(b) Whoever causes personal injury to a victim as the result of an act of rape as set forth in section 1701 of this title; or</p> <p>(c) Whoever uses a deadly weapon during the commission of an act of rape as set forth in section 1701-- is guilty of aggravated rape in the first degree and shall be imprisoned for life or for any term of years, but not less than 15 years. Notwithstanding the provisions of Title 5, chapters 313, 405 and 407, Virgin Islands Code, or any other provisions of law, imposition or execution of the fifteen-year minimum period of incarceration</p>	<p>15 years to Life</p>

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		shall not be suspended; neither shall probation, parole, or any other form of release be granted for this minimum period of incarceration.	
	2° Aggravated Rape 14 V.I.C. § 1700a (2005).	(a) Whoever perpetrates an act of sexual intercourse or sodomy with a person who is under eighteen years but thirteen years or older and not the perpetrator's spouse, or by force, intimidation, or the perpetrator's position of authority over the victim is used to accomplish the sexual act, is guilty of aggravated rape in the second degree and shall be imprisoned for life or for any term in years, but not less than 10 years. "Position of authority" shall include, but not be exclusive to the following: an employer, youth leader, scout leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist, guardian ad litem, baby sitter, or substantially similar position, and a police officer or probation officer other than when the officer is exercising custodial control over a minor. (b) Whoever is convicted of a second or subsequent offense of aggravated rape in the second degree shall be punished by imprisonment for life or for any term of years, but not less than 20 years. Notwithstanding the provisions of title 5, chapters 313, 405 and 407 of this Code, or of any other law, imposition or execution of the twenty-year minimum period of incarceration shall not be suspended; nor shall probation, parole, or any other form of release be granted for the minimum period of incarceration prescribed in this section. (c) Whoever is convicted of attempted aggravated rape in the second degree shall be punished by imprisonment for not more than 25 years, but not less than 5 years. Notwithstanding the provisions of title 5, chapters 313, 405 and 407, or any other provision of law, imposition or execution of the five-year minimum period of incarceration shall not be suspended, nor shall probation, parole or any other form of release be granted for this minimum period of incarceration. (d) Whoever is convicted of an offense under this section shall receive a psychiatric evaluation and participate in psychosocial counseling.	10 years to Life
	2° Rape 14 V.I.C. § 1702 (2005).	(a) Any person over 18 years of age who perpetrates under circumstances not amounting to rape in the first degree, an act of sexual intercourse or sodomy with a person not the perpetrator's spouse who is at least 16 years but less than 18 years of age, and the perpetrator is 5 years or older than the victim, is guilty of rape in the second degree and shall be imprisoned not more than 10 years. (b) Whoever is convicted of any offense under this section shall receive a psychiatric evaluation and participate in psychosocial counseling	Up to 10 years
	3° Rape 14 V.I.C. § 1703 (2005).	Any person under 18 years of age but over 16 years of age who perpetrates an act of sexual intercourse or sodomy with a person not the perpetrator's spouse who is under 16 years of age but over 13 years of age, under circumstances not amounting to rape in the first degree, is guilty of rape in the third degree and shall be subject to the jurisdiction of the Family Division of the Superior Court pursuant to Title 4, Chapter 11, Virgin Islands Code. In lieu of a term of detention, the court, in its discretion, may recommend appropriate treatment, counseling or family planning Any person under 18 years of age but over 16 years of age who perpetrates an act of sexual intercourse or sodomy with a person who is under 16 years of age but over 13 years of age, under circumstances not amounting to rape in the first degree	Detention, counseling, treatment, or family planning.
	1° Unlawful	A person who engages in sexual contact with a person not the perpetrator's spouse--	Up to 15 years

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	Sexual Contact 14 V.I.C. § 1708 (2005).	(1) when force or coercion is used to accomplish the sexual contact; (2) when the other person is under thirteen years of age; (3) when the other person is under sixteen years of age residing in the same household as the perpetrator, and force, intimidation or the perpetrator's position of authority over the victim is used to accomplish the sexual contact; (4) when the other person is threatened or placed in fear of imminent and serious bodily injury; (5) when the other person's ability to consent to or resist the contact has been substantially impaired by an intoxicating, narcotic or anesthetic agent; or (6) when the other person is unconscious or physically helpless, or that person's mental defect or incapacity is known to the perpetrator-- is guilty of unlawful sexual contact and shall be imprisoned not more than 15years.	
	2° Unlawful Sexual contact 14 V.I.C. § 1709 (2005).	A person over eighteen years of age who engages in sexual contact with a person not the perpetrator's spouse who is over thirteen but under sixteen years of age is guilty of unlawful sexual contact in the second degree and shall be imprisoned not more than 1 year.	Up to 1 year
Federal	Aggravated Sexual Abuse 18 U.S.C.A. § 2241 (2006).	Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General knowingly engages in a sexual act with another person who has not attained the age of 12 years, or knowingly engages in a sexual act through force or threat of force with a child between 12 and 16 years old, (and is at least 4 years younger than the person so engaging), or attempts to do so.	Up to Life
	Sexual Abuse of a Minor 18 U.S.C.A. § 2243(a) (2006).	Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General knowingly engages in a sexual act with another person who-- (1) has attained the age of 12 years but has not attained the age of 16 years; and (2) is at least four years younger than the person so engaging; or attempts to do so	Up to 15 years
	Abusive Sexual Contact 18 U.S.C.A. § 2244 (a)(3) (2006).	Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General knowingly engages in sexual contact with another person who-- (1) has attained the age of 12 years but has not attained the age of 16 years; and (2) is at least four years younger than the person so engaging; or attempts to do so	Up to 2 years