

STATE	WHAT IS GENERALLY INADMISSIBLE?	EXCEPTIONS: WHAT IS ADMISSIBLE?					CIRCUMSTANCE FOR EXCEPTION
		SEXUAL CONDUCT WITH DEFENDANT	SEXUAL CONDUCT WITH OTHER PERSONS	EVIDENCE THAT REBUTS CHARACTER EVIDENCE PRESENTED BY PROSECUTION	EVIDENCE THAT SHOWS ORIGIN OR SOURCE OF SEMEN, PREGNANCY, ETC	OTHER	
Alabama ALA. CODE § 12-21-203 (2009).	any evidence relating to the past sexual behavior of the complaining witness	*					when it is found that past sexual behavior directly involved the participation of the accused
Alaska ALASKA STAT. § 12.45.045 (2009).	evidence of the complaining witness' previous sexual conduct; evidence of the complaining witness' sexual contact occurring more than 1 year before the offense occurred						relevant, and probative value of the evidence offered is not outweighed by the probability that its admission will create undue prejudice, confusion of the issues, or unwarranted invasion of witness privacy
Arizona ARIZ. REV. STAT. § 13-1421 (2010).	evidence of a victim's reputation for chastity and opinion evidence relating to a victim's chastity	*		*	semen, pregnancy, disease, or trauma	evidence that supports a claim that the victim has a motive in accusing the defendant; evidence of other false allegations	evidence of specific instances of prior sexual misconduct is relevant and material to a fact at issue; inflammatory or prejudicial nature of the evidence does not outweigh its probative value
Arkansas ARK. CODE ANN. § 16-42-101 (2009).	opinion evidence, reputation evidence, evidence of specific instances of prior sexual conduct with defendant or other persons; prior allegations if victims asserts these to be true or denies having made them	*	*			evidence directly pertaining to the act upon which the prosecution is based	Relevant and probative value outweighs its inflammatory or prejudicial nature

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California CAL. EVID. CODE § 1103 (2009).	opinion evidence, reputation evidence, and evidence of specific instances of the complaining witness' sexual conduct to prove consent, manner of dress	*		*		any evidence offered to attack the credibility of the complaining witness or to prove conduct of the victim in conformity with the character or trait of character	Relevance
Colorado COLO. REV. STAT. § 18-3-407 (2009).	evidence of specific instances of the victim's prior or subsequent sexual conduct, opinion evidence or reputation evidence of the victim's sexual conduct	*			semen, pregnancy, disease, or any similar evidence of sexual intercourse	history of false reporting of sexual assaults	relevant to a material issue to the case
Connecticut CONN. GEN. STAT. § 54-86f (2008).	evidence of the sexual conduct of the victim	*		*	semen, disease, pregnancy or injury	otherwise so relevant and material to a critical issue in the case that excluding it would violate the defendant's constitutional rights	probative value of the evidence outweighs its prejudicial effect

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Delaware DEL. CODE ANN. TIT. 11, § 3509 (2009).	opinion evidence, reputation evidence and evidence of specific instances of sexual conduct	*		*			offered to attack the credibility of the complaining witness
District of Columbia D.C. CODE § 22-3021, 3022 (2009).	past sexual behavior, reputation or opinion evidence	*		*		constitutionally required to be admitted	relevant and that the probative value of such evidence outweighs the danger of unfair prejudice
Florida FLA. STAT. § 794.022 (2009).	Specific instances of prior consensual sexual activity between the victim and any person other than the offender, manner of dress		*		semen, pregnancy, injury, or disease		evidence of sexual contacts with others tends to establish a pattern of conduct or behavior on the part of the victim which is so similar to the conduct or behavior in the case that it is relevant to the issue of consent
Georgia GA. CODE ANN. § 24-2-3 (2009).	past sexual behavior of the complaining witness such as marital history, mode of dress, general reputation for promiscuity, nonchastity, or sexual mores	*					evidence expected to be introduced supports an inference that the accused could have reasonably believed that the complaining witness consented

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Hawaii HAW. REV. STAT. § 412 (2009).	reputation or opinion evidence of the past sexual behavior to prove character	*			Semen or injury	Constitutionally required to be admitted	relevant and that the probative value of the evidence outweighs the danger of unfair prejudice
Idaho IDAHO R. EVID. 412 (2009).	reputation or opinion evidence or specific instances of past sexual behavior	*	* (at the time of the crime)		Semen or injury	Constitutionally required to be admitted; previous false allegations	relevant and that the probative value of such evidence outweighs the danger of unfair prejudice
Illinois 725 ILL. COMP. STAT. ANN. 5/115-7 (2010).	sexual activity or the reputation	*				Constitutionally required to be admitted	relevant and the probative value of the evidence outweighs the danger of unfair prejudice
Indiana IND. R. EVID. 412 (2009).	evidence of past sexual conduct, opinion, or reputation evidence	*			Pregnancy	evidence which shows that some other person committed the act; conviction of a crime to impeach	material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value

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Iowa IOWA R. EVID. 5.412 (2009).	evidence of a victim's past sexual behavior, reputation or opinion evidence	*			semen or injury	Constitutionally required to be admitted	relevant and the probative value of such evidence outweighs the danger of unfair prejudice
Kansas KAN. STAT. ANN. § 21-3525 (2008).	witness' previous sexual conduct			*			relevant and is not otherwise inadmissible as evidence
Kentucky KY. R. EVID. 412 (2009).	Victim's sexual behavior or sexual predisposition	*		*	semen, injury, or other physical evidence	any other evidence directly pertaining to the offense charged	otherwise admissible under these rules and its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party; reputation evidence is admissible only if it has been placed in controversy by the alleged victim
Louisiana LA. CODE EVID. ANN. ART. 412 (2009).	evidence of a victim's past sexual behavior, reputation or opinion evidence	*			semen or injury (must be within 72 hours of offense)		relevant and the probative value of such evidence outweighs the danger of unfair prejudice

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Maine ME. R. EVID. 412 (2009).	reputation or opinion evidence of past sexual behavior	*			Semen or injury	Constitutionally required	probative value of such evidence on a controverted issue outweighs the danger of unfair prejudice, confusion of the issues, misleading the jury and unwarranted harm to the individual
Maryland MD. CODE ANN., CRIM. LAW § 3-319 (2009).	Evidence or opinion evidence relating to a victim's reputation for chastity or abstinence	*		*	semen, pregnancy, disease, or trauma	supports a claim that the victim has an ulterior motive to accuse the defendant	Specific instances of prior sexual conduct are relevant, material to a fact at issue, and inflammatory or prejudicial nature of the evidence does not outweigh its probative value
Massachusetts MASS. ANN. LAWS CH. 233, § 21B (2009).	reputation of a victim's sexual conduct, Evidence of specific instances of a victim's sexual conduct	*				evidence of recent conduct of the victim alleged to be the cause of any physical feature, characteristic, or condition of the victim	weight and relevancy of said evidence is sufficient to outweigh its prejudicial effect to the victim
Michigan MICH. R. EVID. 404 (2009).	specific instances of the victim's sexual conduct, opinion, and reputation evidence	*			semen, pregnancy, or disease		material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value

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Minnesota MINN. STAT. § 609.347 (2009).	victim's previous sexual conduct	*	*		semen, pregnancy, or disease	Evidence showing a scheme or plan of fabricated allegations	probative value of the evidence is not substantially outweighed by its inflammatory or prejudicial nature and preponderance of the evidence that the facts set out in the accused's offer of proof are true
Mississippi MISS. CODE ANN. § 97-3-68 (2009).						evidence of sexual conduct of the complaining witness offered to attack credibility	Relevant and otherwise admissible
Missouri MO. REV. STAT. § 491.015 (2009).	opinion and reputation evidence and specific instances of prior sexual conduct	* (Reasonably contemporary with the date of the crime)	*		semen, pregnancy or disease	Evidence of immediate surrounding circumstances of the alleged crime, evidence of previous chastity of the complaining witness in cases, where, by statute, previously chaste character is required	Relevancy

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Montana MONT. CODE ANN. § 45-5-511 (2009).	evidence concerning the sexual conduct of the victim	*			semen, pregnancy, or disease	
Nebraska NEB. REV. STAT. ANN. § 28-321 (2009).	victim's past sexual behavior	* (showing pattern of conduct)			physical evidence, including but not limited to, semen, injury, blood, saliva, and hair	Relevance
Nevada NEV. REV. STAT. ANN. § 50.090 (2009).	evidence of any previous sexual conduct of the victim			*		evidence of any previous sexual conduct of the victim of the crime to prove the victim's consent
New Hampshire N.H. EVID. RULE 412 (2009).	evidence of prior consensual sexual activity between the victim and any person other than the defendant or manner of dress	*				Constitutionally required
						probative value in the context of the case in issue outweighs its prejudicial effect on the victim

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New Jersey N.J. STAT. ANN. § 2C:14-7 (2009).	victim's previous sexual conduct; manner of dress	*			semen, pregnancy or disease		relevant and highly material and the probative value of the evidence offered substantially outweighs its collateral nature or the probability that its admission will create undue prejudice, confusion of the issues, or unwarranted invasion of the privacy of the victim
New Mexico N.M. STAT. ANN. § 30-9-16 (2009).	Opinion, reputation, and evidence of past sexual conduct						material to the case and inflammatory or prejudicial nature does not outweigh its probative value
New York N.Y. CRIM. PROC. LAW § 60.42 (2009).	victim's sexual conduct	*		*	Semen or pregnancy	Victim's conviction of a sexual offense within 3 years	relevant and admissible in the interests of justice
North Carolina N.C. GEN. STAT. § 8C-1, RULE 412 (2009).	sexual behavior of the complainant	*				specific instances of sexual behavior offered for the purpose of showing that the act or acts charged were not committed by the defendant; evidence of a pattern of	Relevance and not reputation or opinion evidence

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						behavior showing consent; expert psychological or psychiatric opinion that the complainant fantasized or invented the act or acts charged	
North Dakota N.D. R. EVID. 412 (2009).	Victim's sexual behavior or sexual predisposition	*			semen, injury, or other physical evidence	evidence the exclusion of which would violate the constitutional rights of the defendant	
Ohio OHIO REV. CODE ANN. § 2907.02(D)(E)(F) (2009).	specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence; character or trait of character	*		*	semen, pregnancy, or disease		material to a fact at issue in the case and inflammatory or prejudicial nature does not outweigh probative value
Oklahoma OKLA. STAT. ANN. TIT. 12, § 2412 (2009).	Evidence of reputation or opinion specific instances of sexual behavior	*			semen, pregnancy, disease or injury	False allegations of sexual offenses; Similar sexual acts in the presence of the accused with persons other than the accused which occurs at the time of the	

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						event giving rise to the sexual offense alleged	
Oregon OR. REV. STAT. § 40.210 (2007).	evidence of a victim's past sexual behavior; Reputation or opinion evidence; manner of dress					Relates to the motive or bias of the alleged victim; Is necessary to rebut or explain scientific or medical evidence offered by the state; constitutionally required	relevant and the probative value of the evidence outweighs the danger of unfair prejudice
Pennsylvania 18 PA. CONS. STAT. ANN. § 3104 (2009).	specific instances of the alleged victim's past sexual conduct, opinion evidence and reputation evidence	*					Relevance and admissibility
Rhode Island R.I. GEN. LAWS § 11-37-13 (2009).	sexual activities with other persons	*					Admissibility

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South Carolina S.C. CODE ANN. § 16-3-659.1 (2008).	specific instances of the victim's sexual conduct, opinion evidence and reputation evidence	*			semen, pregnancy, or disease	specific instances of sexual activity which would constitute adultery	relevant to a material fact and issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value
South Dakota S.D. CODIFIED LAWS § 23A-22-15 (2009).	specific instances of a victim's prior sexual conduct						relevancy and materiality
Tennessee TENN. EVID. RULE 412 (2009).	Evidence of specific instances of a victim's sexual behavior; reputation and opinion evidence	*	*	*	semen, injury, disease, or knowledge of sexual matters	Required by the Tennessee or United States Constitution	If with a person other than accused, must show pattern of behavior proving consent or rebut medical evidence Probative value of the evidence outweighs its unfair prejudice to the victim
Texas TEX. R. EVID. 412 (2009).	reputation or opinion evidence of the past sexual behavior of an alleged victim of such crime is not admissible; specific instances presumed inadmissible	*				necessary to rebut or explain scientific or medical evidence; relates to the motive or bias of the alleged victim; constitutionally required	probative value outweighs the danger of unfair prejudice

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Utah UTAH R. EVID. 412 (2009).	other sexual behavior; sexual predisposition	*		*	semen, injury, or other physical evidence	Constitutionally required	
Vermont VT. STAT. ANN. tit. 13, § 3255 (2009).	Opinion or reputation evidence prohibited; evidence of prior sexual conduct presumed inadmissible	*			semen, pregnancy or disease	Prior false allegations	Materiality, credibility, probative value
Virginia VA. CODE ANN. § 18.2-67.7 (2009).	general reputation or opinion evidence of the complaining witness's unchaste character or prior sexual conduct; specific instances of conduct	*	(reasonably proximate time period)	*		motive to fabricate the charge	Relevance
Washington WASH. REV. CODE ANN. § 9A.44.020 (2009).	marital history, divorce history, or general reputation for promiscuity, nonchastity, or sexual mores	*		*			Materiality and relevancy; probative value is substantially outweighed by the probability that its admission will create a substantial danger of undue prejudice; and that exclusion would result in denial of substantial justice to the defendant

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West Virginia W. VA. CODE ANN. § 61-8B-11 (2009).	specific instances of the victim's sexual conduct, opinion evidence of the victim's sexual conduct and reputation evidence	*		*			Relevancy
Wisconsin WIS. STAT. ANN. § 972.11 (2009).	prior sexual conduct or opinions of the witness's prior sexual conduct and reputation; manner of dress	*			semen, pregnancy or disease	prior untruthful allegations of sexual assault	Manner of dress may be allowed if probative value outweighs danger of unfair prejudice, confusion of the issues or misleading the jury
Wyoming WYO. STAT. ANN. § 6-2-312 (2009).	prior sexual conduct of the victim, reputation evidence or opinion evidence as to the character of the victim	*					probative value of the evidence substantially outweighs the probability that its admission will create prejudice
Federal Fed. R. Evid. 412.	Evidence offered to prove that any alleged victim engaged in other sexual behavior; Evidence offered to prove any alleged victim's sexual predisposition.	*			semen, injury or other physical evidence	Constitutionally required	

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American Samoa							
Guam							
Puerto Rico P.R. LAWS ANN. tit 32 Ap. IV R. 21 (2009).	past sexual conduct or history or opinion or reputation, evidence						circumstances of a special nature show that such evidence is relevant and that its probative value outweighs its defamatory or prejudicial character
U.S. Virgin Islands							