

Unlawful Sexual Intercourse with a Minor Criminal Statutes

State	Criminal Statute	Penalty	Age of Consent Statute	Age of Consent
AL	<p>§ 13A-6-61 (2010) Rape; first degree</p> <p>§ 13A-6-62 (2010) Rape; second degree</p> <p>§ 13A-6-63 (2010) Sodomy; first degree</p> <p>§ 13A-6-54 (2010) Sodomy; second degree</p>	<p>(a)(3) Class A Felony If V is <12 yrs old & Offender is 16 yrs old or older than V</p> <p>(a)(1) Class B Felony If V is <16 yrs old but >12 yrs old & Offender is 16 yrs old or older than V; provided, however, the Offender is at least 2 yrs older than the V</p> <p>(a)(3) Class A Felony If V is <12 yrs old & Offender is 16 yrs old or older</p> <p>(a)(1) Class B Felony If V is <16 yrs old but >12 yrs old & Offender is 16 yrs old or older</p>	<p>Ala. Code § 13A-6-70 (2010). Consent of victim</p> <p>(c) A person is deemed incapable of consent if he is:</p> <p>(1) Less than 16 years old;</p>	16
AK	<p>§ 11.41.434 (2010) Sexual abuse of a minor in the first degree</p> <p>§ 11.41.436 (2010) Sexual abuse of a minor in the second degree</p>	<p>(a)(1)Unclassified Felony If V is <13 yrs old & Offender is 16 yrs old or older</p> <p>(a)(1) Class B Felony If V is 13, 14, 15 yrs old & at least 4 yrs younger than Offender & Offender is 17 yrs old or older (a)(7) Class B Felony If V is <13 yrs old & at least 3 yrs younger than Offender & Offender is <16 yrs old</p>		*16
AZ	§ 13-1405 (2010) Sexual conduct with a minor; classification; definition	(A) If V is <18 yrs old (B)Class 2 Felony Punishable pursuant to § 13-705 If V is <15 yrs old; Class 6 Felony If V is at least 15 yrs old		*18
AR	<p>§ 5-14-103 (2010) Rape</p> <p>§ 5-14-127 (2010) Sexual assault in the fourth degree</p>	<p>(a)(3)Class Y Felony Imprisonment not >25 yrs If V is <14 yrs old</p> <p>(a)(1)(A) Class D Felony If V is <16 yrs old & Offender is 20 yrs old or older</p>		*16
CA	§ 261.5 (201) Unlawful sexual intercourse with a minor; Misdemeanor or felony conviction; Civil Penalties	(b) Misdemeanor If V is <18 yrs old & Offender is not more 3 yrs older or 3 yrs younger than Offender (c) Misdemeanor or Felony Imprisonment no >1yr If V is <18 yrs old & is 3 yrs younger than Offender (d) Misdemeanor or Felony & Imprisonment in county jail no >1yr or state prison for 2, 3, 4 yrs If V is <16 yrs old & Offender is 21 yrs old or older		*18
CO	§ 18-3-402 (2010) Sexual Assault	(1)(d) Class 4 Felony If V is <15 yrs old & Offender is at least 4 yrs older than V & not the spouse (1)(e) Class 1 Misdemeanor subject to modified Sentencing Range § 18-1.3-501 If V is at least 15 yrs old but less than 17 yrs old & Offender is at least 10 yrs older than V & not the spouse		*17
CT	§ 53a-70 (2010) Sexual Assault in the first degree: Class B or A felony	(a)(2) Class A Felony If V is <13 yrs old & Offender is >2 yrs older than V (2) Class A Felony for which 10 yrs of the sentence imposed may not be suspended or		*16

	§ 53a-71 (2010) Sexual assault in the second degree: Class C or B Felony	reduced by the ct. If V is <10 yrs old; Class A Felony for which 5 yrs of the sentence imposed may not be suspended or reduced by the ct. If V is <16 yrs old (a)(1) Class B Felony If V is 13 yrs old or older but <16 yrs old & Offender is >3 yrs older than V		
DE	Tit. 11, § 770 (2010) Rape in the fourth degree; class C felony Tit. 11, § 771 (2010) Rape in the third degree; class B felony Tit. 11, § 721 (2010) Rape in the second degree; class B felony Tit. 11, § 773 (2010) Rape in the first degree; class A felony	(a)(1) Class C Felony If V is <16 yrs old (a)(2) Class C Felony If V is <18 yrs old & Offender is 30 yrs or older except if spouse (a)(1) Class B Felony If V is <16 yrs old & Offender is at least 10 yrs older or V is <14 yrs old & Offender has reached 19 yrs old (a)(2)(g) Class B Felony If V is <12 yrs old & Offender has reached 18 yrs old (a)(5) Class A Felony If V is <12 yrs old & Offender has reached 18 yrs old	11 Del. C. § 762 (2010). Provisions generally applicable to sexual offenses (a) Mistake as to age. -- Whenever in the definition of a sexual offense, the criminality of conduct or the degree of the offense depends on whether the person has reached that person's sixteenth birthday, it is no defense that the actor did not know the person's age, or that the actor reasonably believed that the person had reached that person's sixteenth birthday. (d) Teenage defendant. -- As to sexual offenses in which the victim's age is an element of the offense because the victim has not yet reached that victim's sixteenth birthday, where the person committing the sexual act is no more than 4 years older than the victim, it is an affirmative defense that the victim consented to the act "knowingly" as defined in § 231 of this title. Sexual conduct pursuant to this section will not be a crime. This affirmative defense will not apply if the victim had not yet reached that victim's twelfth birthday at the time of the act.	16
DC	§ 22-3008 (2010) First degree child sexual abuse	Class A Felony Imprisonment for any terms of yrs or for Life & Fine no > \$250,000 If V is <16 yrs old & Offender is at least >4 yrs older than V		*16
FL	§ 794.011 (2010) Sexual battery § 794.05 (2010) Unlawful sexual activity with certain minors § 800.04 (2010) Lewd or lascivious offenses committed upon or in the presences of persons less than 16 yrs of age	(2)(a) Capital Felony If V is <12 yrs old & Offender is 18 yrs old or older (2)(b) Life Felony If V is < 12 yrs old & Offender is <18 yrs old (1) Second Degree Felony If V is 16 or 17 yrs old & Offender is 24 yrs old or older (4)(a) Second Degree Felony If V is 12 yrs old or older but < 16 yrs old		*18
GA	§ 16-6-1 (2010) Rape	(a)(2) Punishable Death, Life w/out parole, Life or by a split sentence that is a term for not <25 yrs and not exceeding Life, followed by probation for life If female V is <10 yrs old		*16

	<p>§ 16-6-2 (2010) Sodomy; aggravated sodomy; medical expenses</p> <p>§ 16-6-3 (2010) Statutory rape</p>	<p>(a)(2) Imprisonment Life or by a split sentence that is a term of Imprisonment for not <25 yrs and not exceeding Life, followed by probation for life If V is <10 yrs old (d) Misdemeanor If V is at least 13 yrs old but <16 yrs old & Offender is 18 yrs old or younger and is no > 4 yrs older than V</p> <p>(a) Felony Imprisonment for not <1 yr and no >20yrs, however, if offender is 21 yrs old or older Imprisonment for not <10 yrs or >20 yrs If V is <16 yrs old (c) Misdemeanor If V is at least 14 yrs old but <16 yrs old & Offender is 18 or older & no >4 yrs older than V</p>	
HI	§ 707-730 (2010) Sexual assault in the first degree	(1)(b) Class A Felony If V is <14 yrs old (c) Class A Felony If V is at least 14 yrs old but <16 yrs old provided Offender is at least 5yrs older & not legally married to V	*16
ID	<p>§ 18-6101 (2010) Rape defined</p> <p>§ 18-6108 (2010) Male rape</p>	<p>(1) Felony Imprisonment in state prison no <1 yr & may extend to Life in the discretion of Dist. Judge If female V is <16 yrs old & Offender is 18 yrs old or older than V (2) Felony Imprisonment in state prison no <1 yr & may extend to Life in the discretion of Dist. Judge If female V is 16 or 17 yrs old & Offender is 3 yrs or older than V</p> <p>(1) Felony Imprisonment in state prison no <1 yr & may extend to Life If female V is <16 yrs old & Offender is 18 yrs old or older than V (2) Felony Imprisonment in state prison no <1 yr & may extend to Life If female V is 16 or 17 yrs old & Offender is 3 yrs or older than V</p>	*18
IL	<p>720 Ill. Comp. Stat. Ann. 5/12-14 (2010) Aggravated Criminal Sexual Assault</p> <p>720 Ill. Comp. Stat. Ann. 5/12-14.1 (2010) Predatory criminal sexual assault of a child</p> <p>720 Ill. Comp. Stat. Ann. 5/12-15 (2010) Criminal sexual abuse</p> <p>720 Ill. Comp. Stat. Ann. 5/12-16 (2010) Aggravated Criminal Sexual Abuse</p>	<p>(b)(i) Class X Felony If V is < 9 yrs old & Offender is <17 yrs old</p> <p>(a)(1) Class X Felony If V is <13 yrs old & Offender was 17 yrs old or older</p> <p>(b) Class A Misdemeanor If V was at least 9 yrs old but < 17 yrs old & Offender was <17 yrs old (c) If V was at least 13 yrs old but < 17 yrs old & Offender was <5yrs older than V</p> <p>(d) Class 2 Felony If V was at least 13 yrs old but <17 yrs old & Offender was at least 5 yrs older than V</p>	*17
IN	<p>§ 35-42-4-3 (2010) Child Molesting</p> <p>§ 35-42-4-9 (2010) Sexual misconduct with a minor</p>	<p>(a) Class B Felony If V is <14 yrs old (a)(1) Class A Felony If V is < 14 yrs old & Offender is at least 21 yrs old</p> <p>(a) Class C Felony If V is at least 14 yrs old but <16 yrs old & Offender is at least 18 yrs old (a)(1) Class B Felony If V is at least 14 yrs old but <16 yrs old &</p>	*16

		Offender is at least 21 yrs old		
IA	§ 709.3 (2010) Sexual abuse in the second degree § 709.4 (2010) Sexual abuse in the third degree	(2) Class B Felony If V is <12 yrs old (2)(b) Class C felony If V is 12 or 13 yrs old (2)(c)(4) Class C felony If V is 14 or 15 yrs old & Offender is 4 or more yrs older than V		*16
KS	§ 21-3502 (2009) Rape § 21-3504 (2009) Aggravated indecent liberties with a child	(a)(2) Severity level 1 Person Felony If V is <14 yrs old (c) Off-Grid Person Felony If V is < 14 yrs old & offender is 18 yrs old or > (a)(1) Severity level 3 Person Felony If V is 14 or > but <16 yrs old		*16
KY	§ 510.040 (2010) Rape in the first degree § 510.050 (2010) Rape in the second degree § 510.060 (2010) Rape in the third degree	(1)(b)(2) Class A Felony If V is <12 yrs old (1)(a) Class C Felony If V is < 14 yrs old & Offender is 18 yrs old or older (1)(b) Class D Felony If V is <16 yrs old & Offender is 21 yrs old or older	Ky. Rev. Stat. Ann. § 510.020 (2010). Lack of consent (3) A person is deemed incapable of consent when he or she is: (a) Less than sixteen (16) years old	16
LA	§ 14:42 (2010) Aggravated rape § 14:80 (2010) Felony carnal knowledge of a juvenile § 14:80.1 (2010) Misdemeanor carnal knowledge of a juvenile	(A)(4) Capital Verdict: Death or Life at hard labor w/out benefit of parole, probation, or suspension of sentence – No Capital Verdict: Life at hard labor w/out benefit of parole, probation, or suspension of sentence If V is <13 yrs old (A)(1) Felony Fine not >\$5,000 or Imprisoned w/ and/or w/out hard labor for not >10 yrs If V is 13 yrs old or older but <17 yrs old & V is not the spouse & age difference bwtn V & Offender is 4 yrs or older & Offender is 17 yrs old or older (A) Misdemeanor If V is 13 yrs old or older but <17 yrs old & Offender is 17 yrs old or older & not spouse & Offender is >2 yrs but <4 yrs older than V		*17
ME	Tit. 17-A, § 253 (2009) Gross sexual assault Tit. 17-A, § 254 (2009) Sexual abuse of minors	(1)(B) Class A Crime If V is <14 yrs old & not spouse (1)(C) Class A Crime If V is <12 yrs old (1)(A) Class D Crime If V is 14 or 15 yrs old & Offender is 5 yrs older than the V (1)(A)(A-2) Class C Crime If V is 14 or 15 yrs old & Offender is 10 yrs older than V		*16
MD	§ 3-304 (2010) Rape in the second degree § 3-307 (2010) Sexual offense in the third degree	(a)(3) Felony Imprisonment not >20 yrs If V is <14 yrs old & Offender is at least 4 yrs older than V (a)(5) Felony Imprisonment not >10 yrs If V is 14 or 15 yrs old & Offender is at least 21 yrs old		*16
MA	Ch. 265, § 22A (2010) Rape of Child	Life or for any terms of yrs If V <16 yrs old		*16
MI	§ 750.520b (2010) Criminal sexual conduct in the first degree; felony; consecutive terms	(1)(a) Felony Imprisonment Life or any terms of yrs & lifetime electronic monitoring If V <13 yrs old (2)(b) Imprisonment Life or any terms of yrs but not >25 yrs If V <13 yrs old & Offender is 17 yrs old or older		*16

	§ 750.520d (2010) Criminal sexual conduct in the third degree; felony.	(1)(a) Felony Imprisonment for not >15 yrs If V is at least 13 yrs old but < 16 yrs old		
MN	§ 609.342 (2009) Criminal Sexual conduct in the first Degree § 609.343 (2009) Criminal Sexual conduct in the Second Degree § 609.344 (2009) Criminal Sexual conduct in the Third Degree	(subdivision 1)(a) Imprisonment for not >30 yrs &/or Fine \$40,000 If V <13 yrs old & Offender is >36 months older than V (subdivision 1)(a) Imprisonment for not >25 yrs &/or Fine not > \$35,000 If V <13 yrs old & Offender is >36 months older than V (subdivision 1)(b) Imprisonment for not >15 yrs &/or Fine \$30,000 If V is at least 13 yrs old but <16 yrs & Offender is >24 months than V; Imprisonment for not > 5 yrs If V is at least 13 yrs old but <16 yrs & Offender is no >48 months but >24 months than V		
MS	§ 97-3-65 (2010) Statutory rape; enhanced penalty for forcible sexual intercourse or statutory rape by administering certain substances	(1)(a) If V is <14 yrs old but <16 yrs old, 36 months younger than Offender & not spouse & Offender is 17 yrs old or older (1)(b) If V is >14 yrs old, 24 months or more younger than Offender & not spouse - Under (1)(a) or (1)(b) If Offender is 13 yrs old or older but <18 yrs old Imprisonment and Fine may be discretionary: (1)(a)(i) Imprisonment not >5 yrs &/or Fine \$5,000 (If Offender 18 yrs old or older but <21 yrs old) OR Imprisonment of not >30 yrs &/or Fine \$10,000 (If Offender 21 yrs old or older) If V is at least 14 yrs old but <16 yrs old, is 36 months or more younger than Offender & not spouse & Offender is 17 yrs old or older (1)(b)(i) Life or any term of yrs but not <20 yrs If V is <14 yrs old, is 24 months or more younger than Offender & not spouse		*16
MO	§ 566.030 (2010) Forcible rape and attempted forcible rape, penalties – suspended sentences not granted, when § 566.032 (2010) Statutory rape and attempt to commit, first degree, penalties § 566.034 (2010) Statutory rape, second degree, penalty § 566.060 (2010) Forcible sodomy, penalties – suspended sentence not granted, when § 566.062 (2010) Statutory sodomy and attempt to commit, first degree, penalties § 566.064 (2010) Statutory sodomy and attempt to commit, second degree, penalties	(2)(2) Felony Imprisonment Life w/out eligibility for parole or probation until D has served not <30 yrs or D has reached 75 yrs old & served at least 15 yrs of such sentence If V <12 yrs old (1) Felony Imprisonment Life or a term of years not <5 yrs If V <14 yrs old (1) Class C Felony If V is <17 yrs old & offender is 21 yrs old or older (2)(2) Life Imprisonment w/out eligibility for probation or parole until D has served not <30 yrs or unless the D has reached the age of 75 years and has served at least fifteen years of such sentence If V is <12 yrs old (1) Felony Life Imprisonment or a term not < 5 yrs If V is < 14 yrs old (2) Felony Life Imprisonment or a term of yrs not < 10 yrs If V is <12 yrs old (1) Class C Felony If V is <17 yrs old & Offender is 21 yrs old or older		*17

MT	§ 45-5-503 (2010) Sexual intercourse without consent	(1) Life imprisonment or no <2 yrs or >100 yrs & maybe Fined not >\$50,000 If V is <16 yrs old (3)(a) Life Imprisonment or for a terms of yrs not <4 yrs or >100 yrs & may be Fined not > \$50,000 If the V is <16 yrs old & Offender is 4 or more yrs older than V (4)(a) Imprisonment for 100 yrs w/out parole until after first 25 yrs & may be Fined not > \$50,000 & enroll/complete sexual offender treatment program If V was 12 yrs or younger & Offender was 18 yrs of age or older	Mont. Code Ann. § 45-5-501 (2010). Definitions (ii) subject to subsections (1)(b) and (1)(c), the victim is incapable of consent because the victim is: (D) less than 16 years old;	*16
NE	§ 28-319 (2010) Sexual assault; first degree; penalty § 28-319.01 (2010) Sexual assault of a child; first degree; penalty	(1) Class II Felony If the V is at least 12 yrs old but <16 yrs old & Offender is 19 yrs old or older (1)(a) Class IB Felony w/ mandatory sentence of 15 yrs If V is <12 yrs & Offender is at least 19 yrs old or older (1)(b) If V is at least 12 yrs old but <16 yrs old & Offender is 25 yrs old or older		*16
NV	§ 200.366 (2009) Sexual assault: Definition; penalties § 200.368 (2009) Statutory sexual seduction: penalties	(3)(b) Category A Felony Imprisonment Life w/ possibility of parole after 25 yrs If V is <16 yrs old (3)(c) Class A Felony Imprisonment Life w/ possibility of parole after 35 yrs If V is <14 yrs old (1) Category C Felony If V is <16 yrs old & Offender 21 yrs old or older (2) Gross Misdemeanor If V is <16 yrs old & Offender is <21 yrs old but 18 yrs old or older		*16
NH	§ 632-A:2 (2010) Aggravated Felonious Sexual Assault § 632-A:3 (2010) Felonious Sexual Assault § 632-A:4 (2010) Sexual Assault	(1)(l) Felony If V is <13 yrs old (A)(II) Class B Felony If V is 13 yrs old or older but <16 yrs old & Offender is 4 yrs or older than V (I)(c) Misdemeanor If V is 13 yrs old or older but <16 yrs old & the age difference between the Offender and V is 4 yrs or less		*16
NJ	§ 2C:14-2 (2010) Sexual Assault	(a)(1) First Degree Aggravated Sexual Assault If V is <13 yrs old (c)(4) Second Degree If V is at least 13 yrs old but <16 yrs old & Offender is at least 4 yrs older than V		*16
NM	§ 30-9-11 (2010) Criminal sexual penetration	(D) First Degree Felony If the V is <13 yrs old (G) Fourth Degree Felony If V 13-16 yrs old & Offender is at least 18 yrs old & at least 4 yrs older than the V & not spouse		*17
NY	§ 130.25 Rape in the third degree § 130.30 Rape in the second degree § 130.35 Rape in the first degree	(2) Class E Felony If the V is <17 yrs old & Offender is 21 yrs old or older (1) Class D Felony If the V is <15 yrs old & Offender is 18 yrs old or older (3) Class B Felony If V is <11 yrs old (4) Class B Felony If V is <13 yrs old & Offender is 18 yrs old or	N.Y. PENAL Law 130.05 (2010). Sex offenses; lack of consent 3. A person is deemed incapable of consent when he or she is: (a) less than seventeen years old;	17

		older		
NC	<p>§ 14-27.2 (2010) First-degree rape</p> <p>§ 14-27.2A (2010) Rape of a child; adult offender</p> <p>§ 14-27.7A (2010) Statutory rape or sexual offense of person who is 13, 14, or 15 years old</p> <p>§ 14-27.4 (2010) First-degree sexual offense</p> <p>§ 14-27.4A (2010) Sexual offense</p>	<p>(a)(1) Class B1 Felony If V is <13 yrs old & Offender is at least 12 yrs old & is at least 4 yrs older than V</p> <p>(a) Class B1 Felony If V is <13 yrs old & Offender is at least 18 yrs old</p> <p>(a) Class B1 Felony If V is 13, 14, or 15 yrs old & Offender is at least 6 yrs older than V & not spouse (b) Class C Felony If V is 13, 14, or 15 yrs old & Offender is >4 yrs older than V but < 6 yrs older than V & not spouse</p> <p>(a)(1) Class B1 Felony If V is <13 yrs old & Offender is at least 12 yrs old and is at least 4 yrs older than V</p> <p>(a) Class B1 Felony If V is <13 yrs old & Offender is at least 18 yrs old</p>		*16
ND	<p>§ 12.1-20-03 (2010) Gross sexual imposition—Penalty</p> <p>§ 12.1-20-07 (2010) Sexual assault</p>	<p>(1) (d) Class A Felony If V is <15 yrs old (3) Class AA Felony If V is <15 yrs old & Offender is at least 22 yrs old</p> <p>(1)(f) Class C Felony If V is 15 yrs old or older & Offender is an adult (2) Class C Felony If V is <15 yrs old & Offender is at least 22 yrs old or older (2) Class A Misdemeanor If V is <15 yrs old & Offender is at least 18 yrs old but not 22 yrs old or older</p>		*18
OH	<p>§ 2907.02 (2010) Rape</p> <p>§ 2907.04 (2010) Unlawful sexual conduct with minor</p>	<p>(A)(1)(b) Felony of the First Degree If V is <13 yrs old (B) If V is <10 yrs old & Offender <16 yrs old & Offender has never committed a violation in the same division the ct. shall not sentence Offender to a prison term or Life</p> <p>(A) Felony of the Fourth Degree If V is 13 yrs old or older but <16 yrs old & Offender is 18 yrs old or older & not spouse (B)(2) Misdemeanor of the First Degree If Offender is <4 yrs older than the minor (B)(3) Felony of the Third Degree If Offender is 10 or more yrs older than V</p>		*16
OK	<p>Tit. 21, § 1111 (2010) Rape defined</p> <p>Tit. 21, § 1114 (2010) Rape in first degree—Second degree</p>	<p>(A)(1) Second Degree If V is <16 yrs old</p> <p>(A)(1) First Degree If V is <14 yrs old & Offender is >18 yrs old</p>	<p>Tit. 21, § 1112 (2010) Age limitations on conviction for rape</p> <p>No person can be convicted of rape or rape by instrumentation on account of an act of sexual intercourse with anyone over the age of fourteen (14) years, with his or her consent, unless such person was over the age of eighteen (18) years at the time of such act.</p>	*16
OR	<p>§ 163.355 (2010) Rape in the third degree</p> <p>§ 163.365 (2010) Rape in the second degree</p>	<p>(1) Class C Felony If the V is <16 yrs old</p> <p>(1) Class B Felony If the V is < 14 yrs old</p>	<p>Or. Rev. Stat. § 163.315 (2010).Incapacity to consent; effect of lack of resistance</p>	18

	<p>§ 163.375 (2010) Rape in the first degree § 163.435 (2010) Contributing to the sexual delinquency of a minor</p> <p>§ 163.445 (2010) Sexual misconduct</p>	<p>(1)(b) Class A Felony If the V is <12 yrs old (1)(a) Class A Misdemeanor If V is <18 yrs old & offender is 18 or older & male, (1)(b) Class A Misdemeanor If V is <18 yrs old & offender is 18 or older & female (c) Class A Misdemeanor If V is < 18 yrs old (1) Class C Misdemeanor If V is unmarried & <18 yrs old</p>	<p>(1) A person is considered incapable of consenting to a sexual act if the person is: (a) Under 18 years of age;</p>	
PA	<p>18 Pa. Cons. Stat. Ann. § 3121 (2010) Rape</p> <p>18 Pa. Cons. Stat. Ann. § 3122.1 (2010) Statutory sexual assault</p>	<p>(c) First Degree Felony Imprisonment of no >40 yrs If V is < 13 yrs old (d) First Degree Felony Imprisonment up to Life If V is <13 yrs old & serious bodily injury Second Degree Felony If V is <16 yrs & Offender is 4 or more yrs older than V & not married to V</p>		*16
RI	<p>§ 11-37-6 (2010) Third degree sexual assault</p> <p>§ 11-37-8.1 (2010) First degree child molestation sexual assault</p>	<p>Imprisonment for not >5 yrs If V is >14 yrs old but <16 yrs old & Offender is >18 yrs old Imprisonment for not <25 yrs and may be Imprisoned for Life If V is <14 yrs old</p>		*16
SC	<p>§ 16-3-655 (2009) Criminal sexual conduct with a minor; aggravating and mitigating circumstances; penalties; repeat offenders</p>	<p>(A)(1) Felony First Degree Imprisoned mandatory min. of 25 yrs If V<11 yrs old, (B)(1) Felony Second Degree Imprisoned for no >20 yrs If V is 14 yrs old or less but who is at least 11 yrs old</p>		*16
SD	<p>§ 22-22-1 (2010) Rape—Penalty</p>	<p>(1) Class C Felony Imprisonment of 15 yrs If V is <13 yrs old (5) Class 3 Felony If V is <13 yrs old but <16 yrs old & Offender is at least 3 yrs older than V</p>		*16
TN	<p>§ 39-13-506 (2010) Statutory rape</p> <p>§ 39-13-522 (2010) Rape of a child</p> <p>§ 39-13-531 (2010) Aggravated rape of a child</p>	<p>(a) Mitigated statutory rape Class E Felony If V is at least 15 yrs old but <18 yrs old & Offender is at least 4 yr but not > 5 yrs older than V (b)(1) Statutory rape If V is at least 13 yrs old but <15 yrs old & Offender is at least 5 yrs but <10 yrs older than V (b)(2) Statutory Rape Class E Felony If V is at least 15 yrs old but <18 yrs old & Offender is >5 yrs but <10 yrs older than V (c) Aggravated statutory rape Class D Felony If V is at least 13 yrs old but <18 yrs old & Offender is at least 10 yrs older than V (a) Class A Felony Imprisonment min. period of 25 yrs If V is > 3 yrs of age but <13 yrs old (a) Class A Felony & shall be sentenced within Range III, as set forth in title 40, chapter 35 If V is 3 yrs old or less.</p>		*18
TX	<p>§ 22.011 (2010) Sexual Assault</p> <p>§ 22.021 (2010) Aggravated Sexual Assault</p>	<p>(2)(A) Second Degree Felony If V is < 17 yrs old (2)(B) First Degree Felony If the V is <14 yrs old, Min. term of Imprisonment increased to 25 yrs If V is <6 yrs old</p>		*17
UT	<p>§ 76-5-401 (2010) Unlawful sexual activity with a minor – Elements – Penalties – Evidence of</p>	<p>(2)(a) Third Degree Felony If V is at least 14 yrs old but <16 yrs old (3) Class B Misdemeanor If Offender is</p>		*18

	<p>age raised by defendant</p> <p>§ 76-5-401.2 (2010) Unlawful sexual conduct with a 16 or 17 year old</p> <p>§ 76-5-402.1 (2010) Rape of a Child</p> <p>§ 76-5-403.1 (2010) Sodomy on a child</p>	<p><4 yrs older than minor who is 14 yrs old but <16 yrs old (c) Third Degree Felony If V is 14 yrs old but <16 yrs old</p> <p>(2)(a) Third Degree of Felony If V is 16 yrs old or older but <18 yrs old & Offender is 10 or more yrs older</p> <p>(1) First Degree Felony Imprisonment not <25 yrs If V is <14 yrs old</p> <p>(1) First Degree Felony Imprisonment not <25 yrs If V is <14 yrs old</p>		
VT	<p>Tit. 13, § 3252 (2010) Sexual assault</p> <p>Tit. 13, § 3253 (2010) Aggravated sexual assault</p>	<p>(c) Imprisonment not >20 yrs If V is <16 yrs old except where Offender is <19 yrs old & V is at least 15 yrs old & act is consensual</p> <p>(a)(8) Imprisonment not <10 yrs & max. term of life, may be Fined not >\$50,000 If V is <13 yrs old & Offender is at least 18 yrs old</p>		*16
VA	<p>§ 18.2-61 (2010) Rape</p> <p>§ 18.2-63 (2010) Carnal knowledge of child between thirteen and fifteen years of age</p> <p>18.2-67.1 (2010) Forcible sodomy</p> <p>§ 18.2-371 (2010) Causing or encouraging acts rendering children delinquent, abused, etc.; penalty; abandoned</p>	<p>(A)(iii) Felony Imprisonment for Life or any term not <5 yrs If V is <13 yrs old (B) In addition to any active sentence, a suspended sentence of no <40 yrs If Offender is >3 yrs older than V</p> <p>(A) Class 4 Felony If V is 13 yrs old or older but <15 yrs old (B) Class 6 Felony If V is 13 yrs old or older but <15 yrs old & Offender is 3 yrs or more older than V; Class 4 Misdemeanor If V is < 3 yrs the Offenders junior</p> <p>(A)(1) Felony Imprisonment Life or any term not <5 yrs If V is <13 yrs old</p> <p>Class 1 Misdemeanor If V is 15 yrs old or older & Offender is 18 yrs old or older</p>		*18
WA	<p>§ 9A.44.073 (2010) Rape of a child in the first degree</p> <p>§ 9A.44.076 (2010) Rape of a child in the second degree</p> <p>§ 9A.44.079 (2010) Rape of a child in the third degree</p>	<p>(1) Class A Felony If V is <12 yrs old & not married to the Offender & Offender is at least 24 moths older than V</p> <p>(1) Class A Felony If V is at least 12 yrs old but <14 yrs old & not married to Offender & Offender is at least 36 months older than V</p> <p>(1) Class C Felony If V is at least 14 yrs old but <16 yrs old & not married to the Offender & Offender is at least 48 months older than V</p>		*16
WV	<p>§ 61-8B-3 (2010) Sexual assault in the first degree</p>	<p>(a)(2) Felony Imprisonment not <15 yrs nor >35 yrs or Imprisonment not <15 yrs nor >35 & Fined not <\$1,000 but no >\$10,000 If V is <12 yrs old & not married to Offender & Offender is 14 yrs old or older</p> <p>(c) Imprisonment state correctional facility for not <15 yrs but no >100 yrs & Fine not <\$5,000 but no</p>	<p>W. Va. Code § 61-8B-2 (2010). Lack of consent</p> <p>(c) A person is deemed incapable of consent when such person is:</p> <p>(1) Less than sixteen years old;</p>	16

	§ 61-8B-5 (2010) Sexual assault in the third degree	>\$25,000 If V is <12 yrs old & Offender is 18 yrs old or older (a)(2) Felony Imprisonment not <1 yr not >5 yrs or Imprisonment not <1 yr not >5 yrs & Fine no >\$10,000 If V is <16 yrs old & who is at least 4 yrs younger than Offender & not married & Offender is 16 yrs old or older		
WI	§ 948.02 (2010) Sexual assault of a child § 948.09 (2010) Sexual intercourse with a child age 16 or older	(1)(b) Class B Felony If V is <12 yrs old (2) Class C Felony If V is <16 yrs old Class A Misdemeanor If V has attained the age of 16 & not the spouse		*18
WY	§ 6-2-314 (2010) Sexual abuse of a minor in the first degree; penalties § 6-2-315 (2010) Sexual abuse of a minor in the second degree; penalties § 6-2-316 (2010) Sexual abuse of a minor in the third degree; penalties	(a)(i) Imprisonment for not >50 yrs If V is <13 yrs old & Offender is 16 yrs old or older (a)(i) Imprisonment for not >20 yrs If V is 13 – 15 yrs old & at least 4 yrs younger than the Offender & Offender is 17 yrs old or older (a)(iii) Imprisonment for not >15 yrs If V is <13 yrs old & at least 3 yrs younger than Offender & Offender is <16 yrs old		*18

* This chart reflects generally the age of consent for these crimes; there are specific provisions which may not be reflected in this chart due to the statutory framework for these crimes in a specific jurisdiction. Refer carefully to the statutes of each jurisdiction regarding "age of consent" and/or contact us at (703)549-9222 to confirm the age of consent.