

Sex Crimes Reference Guide

Victim (age/requirements)	Suspect (age/requirements)	Act/Conditions	Crime Type*	Statute*
Any Age	Over Age to Form Intent	Sexual Intercourse by Force or Fear	1st Degree Rape	1111.A3 1112 A-3
Under 14	Over 18	Sexual Intercourse with Consent	1st Degree Rape	1112 A-1
Under 14	Between 14 and 18	Sexual Intercourse with Consent	2nd Degree Rape (1)	1111 A-1 1112
Under 14	Under 14	Sexual Intercourse with Consent	2nd Degree Rape (2)	1111 A-1 1112
Over 14	Under 18	Sexual Intercourse with Consent	No Crime	1112
In Legal Custody	Criminal Justice Employee	Sexual Intercourse with Consent	2nd Degree Rape	1111 A-7
Mentally Unable to Consent	Over Age to Form Intent	Sexual Intercourse	1st Degree Rape	1111 A-2 1112 A-2
Intoxicated/Unconscious	Over Age to Form Intent	Sexual Intercourse	2nd Degree Rape	1111 A4
Student Age 16 or 17	Employee of School System, Over 18	Sexual Intercourse with Consent	2nd Degree Rape	1111 A8
Any Age	Over Age to Form Intent	Sexual Penetration by Object or Body Part, Not Penis, without Consent	Rape by Instrumentation (3)	1111.1
Under 16	At Least 3 Years Older Than Victim	Lewd Acts / Proposals / Enticements	Lewd Molestation / Proposals	1123
16 and Over	Over age to form intent	Unlawful Touch in Sexual Manner	Sexual Battery	1123 B
Under 18	Over Age to Form Intent	Offer or Secure Child for Lewd Act or Prostitution	Procure Child for Lewdness	1087
School Children	Convicted of Sex Crime Involving Child Under 13	Being within 300 Feet of Daycare, Playground, Elem. or Jr. High School	Violating School Safety	1125

(1) By statute this is 2nd degree rape, but arrests should not be made unless aggravating factors exist. Consult DA's office for guidance.

(2) By statute this is 2nd degree rape, but arrests should not be made unless aggravating factors exist. Both participants are under 14 and have consented, which one is the victim and which is the suspect? Rape requires penetration, but the penetrator is not always the suspect. Consult DA's office for guidance.

(3) Rape by instrumentation resulting in bodily harm or of a person under 14 is 1st degree rape by instrumentation, all others are 2nd degree.

(4) First offence/conviction is a misdemeanor, second or subsequent convictions are felonies. See exceptions listed under 1125 C.

*Note: The above information is intended only as a guide to assist when investigating sex related crimes. Do not rely solely on the chart. Verify that the particular circumstances of your crime fits the elements of the charge as stated in Title 21. Sex crimes have many elements and special conditions that often require researching several statutes to find the most appropriate charge.