

UNC SCHOOL OF GOVERNMENT

# ELEMENTS OF CRIMES: SEXUAL ASSAULTS

MAGISTRATES BASIC SCHOOL

Joseph L. Hyde  
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## ROADMAP

- I. Introduction
- II. Rape & Sexual Offense
  - A. "Forcible" Offenses
  - B. Statutory (Age-Based) Offenses
- III. Other Sex Crimes
  - A. Sexual Battery
  - B. Indecent Liberties
  - C. The Crime Against Nature

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## OFFENSES COVERED BY THIS SESSION:

1. First-degree forcible rape	7. First-degree forcible sexual offense
2. Second-degree forcible rape	8. Second-degree forcible sexual offense
3. Statutory rape of a child by an adult	9. Statutory sexual offense of child by adult
4. First-degree statutory rape	10. First-degree statutory sexual offense
5. Statutory rape of a person who is 15 years of age or younger (Class B1 felony)	11. Statutory sexual offense with a person 15 years of age or younger (Class B1 felony)
6. Statutory rape of a person who is 15 years of age or younger (Class C felony)	12. Statutory sexual offense with a person 15 years of age or younger (Class C felony)
	13. Sexual battery
	14. Indecent liberties
	15. The crime against nature

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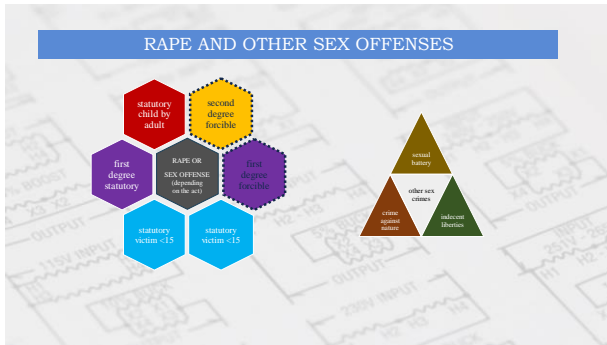
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## GENERAL FRAMEWORK

**WHAT WAS THE ACT?**

- Vaginal intercourse
- “Sexual act”
- “Sexual contact”
- Indecent liberties

**WAS IT FORCIBLE OR STATUTORY (AGE BASED)?**

- Actual force
- Constructive force
- Age of Defendant
- Age of Victim
- Age Differential

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	First degree COUNSEL	Second degree FORCIBLE	First degree STATUTORY	SECOND DEGREE STATUTORY (Child or Youth Abuse Act)	SEXUAL BATTERY - Victim 15 or younger (Child or Youth Abuse Act & prior statutes)	SEXUAL BATTERY - Victim 12 or younger (Child or Youth Abuse Act & prior statutes)
<b>RAPE</b>	Rape that is: • at least one of the following: 1. _____ 2. _____ 3. _____ 4. _____ Class: _____	Rape that is: 1. _____ or 2. With a person who is: a. _____ b. _____ c. _____ Class: _____	Or at least _____ V. under _____ or Age differential: _____ Class: _____	Or at least _____ V. under _____ or Age differential: _____ Class: _____	Or at least _____ V. under _____ or Age differential: _____ Class: _____	Or at least _____ V. under _____ or Age differential: _____ Class: _____
<b>SEXUAL OFFENSE</b>	Sexual offense that is: • at least one of the following: 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ Class: _____	Sexual offense that is: 1. _____ or 2. With a person who is: a. _____ b. _____ c. _____ Class: _____	Or at least _____ V. under _____ or Age differential: _____ Class: _____	Or at least _____ V. under _____ or Age differential: _____ Class: _____	Or at least _____ V. under _____ or Age differential: _____ Class: _____	Or at least _____ V. under _____ or Age differential: _____ Class: _____

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# I. RAPE & SEXUAL OFFENSE

Crimes Book p. 217 Supp. p. 75

For every Rape crime there is a corresponding Sexual Offense crime with:

- the same elements,
- the same classification, and
- the same punishment.

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## GENERAL FRAMEWORK

WHAT WAS THE ACT?

- Vaginal intercourse
- "Sexual act"
- "Sexual contact"
- Indecent liberties

WAS IT FORCIBLE OR STATUTORY (AGE BASED)?

- Actual force
- Constructive force
- Age of Defendant
- Age of Victim
- Age Differential

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## WHAT WAS THE ACT?

### RAPE

- Requires vaginal intercourse

### SEX OFFENSE

- Requires a "sexual act" (Crimes Book p. 232):
  1. Anal intercourse
  2. Cunnilingus (mouth or lips to woman's genitalia)
  3. Analingus (mouth or lips to anal opening)
  4. Fellatio (mouth or lips to penis)
  5. Penetration by any object into the genital or anal opening of another.

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	First degree FORCIBLE	Second degree FORCIBLE	First degree STATUTORY	STATUTORY - Age of Victim or Age of Offender or Age of Victim or both	STATUTORY - Victim is a youngster (16 or 17 years old)	STATUTORY - Victim is a youngster (16 or 17 years old) and Offender is at least 5 years older than Victim
<b>RAPE</b>	Rape that is: 1. or at least one of the following: 2. _____ 3. _____ 4. _____ Class: _____	Rape that is: 1. _____ or 2. With a person who is: a. _____ b. _____ c. _____ Class: _____	Rape that is: 1. _____ or 2. With a person who is: a. _____ b. _____ c. _____ Class: _____	If at least _____ If under _____ If under _____ If at least _____ If under _____ If under _____ If at least _____ If under _____ If under _____	If at least _____ If under _____ If under _____ If at least _____ If under _____ If under _____ If at least _____ If under _____ If under _____	If at least _____ If under _____ If under _____ If at least _____ If under _____ If under _____ If at least _____ If under _____ If under _____
<b>SEXUAL ABUSE</b>	Sexual offense that is: 1. or at least one of the following: 2. _____ 3. _____ 4. _____ Class: _____	Sexual offense that is: 1. _____ or 2. With a person who is: a. _____ b. _____ c. _____ Class: _____	Sexual offense that is: 1. _____ or 2. With a person who is: a. _____ b. _____ c. _____ Class: _____	If at least _____ If under _____ If under _____ If at least _____ If under _____ If under _____ If at least _____ If under _____ If under _____	If at least _____ If under _____ If under _____ If at least _____ If under _____ If under _____ If at least _____ If under _____ If under _____	If at least _____ If under _____ If under _____ If at least _____ If under _____ If under _____ If at least _____ If under _____ If under _____
<b>SEXUAL ABUSE</b> Anal intercourse Cunnilingus Analingus Fellatio Object inserted into genitals or anus						

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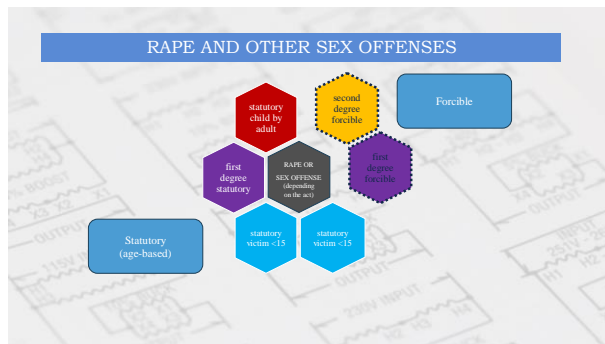
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## A. "Forcible" Offenses

- Statutorily defined as "by force and against the will"
- Actual force is not required
- Characterized by lack of consent

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**First-degree Forcible Rape (Crimes Book p. 217; Supp. p. 75)**  
**First-degree Forcible Sexual Offense (CB p. 231; Supp. p. 83)**

1. Vaginal intercourse / Sexual act
2. With another person
3. By force and against the will of the other person
4. AND the defendant:
  - a. Uses, threatens to use, or displays a dangerous or deadly weapon
  - b. Inflicts serious personal injury on the victim
  - c. Inflicts serious personal injury on another person, *or*
  - d. Is aided and abetted by one or more other persons

• This offense is a Class B1 felony.

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	First degree forcible	Second degree forcible	First degree not forcible	Second degree not forcible	Sexual Offense - Rape or Sexual Offense	Sexual Offense - Rape or Sexual Offense	Sexual Offense - Rape or Sexual Offense
<b>RAPE</b>	Rape that is: <b>Forcible</b>	Rape that is:	Or at least:	Or at least:	Or at least:	Or at least:	Or at least:
<b>Vaginal intercourse</b>	• at least one of the following:	1. _____	V. under _____	V. under _____	V. under _____	V. under _____	V. under _____
	1. Dangerous/deadly weapon	or					
	2. Serious pers. injury / victim	1. With a person who is:	Age differential	Age differential	Age differential	Age differential	Age differential
	3. Serious personal injury on another person	a. _____					
4. Aided/abetted by 1+ person	b. _____						
Class: <b>B1</b>	c. _____	Class: _____	Class: _____	Class: _____	Class: _____	Class: _____	
	d. Aided/abetted by 1+ person	Class: _____	Class: _____	Class: _____	Class: _____	Class: _____	Class: _____
<b>SEXUAL OFFENSE</b>	Sexual offense that is: <b>FORCIBLE</b>	Sexual offense that is:	Or at least:	Or at least:	Or at least:	Or at least:	Or at least:
<b>Anal intercourse</b>	• at least one of the following:	1. _____	V. under _____	V. under _____	V. under _____	V. under _____	V. under _____
	1. Dangerous/deadly weapon	or					
	2. Serious pers. injury / victim	1. With a person who is:	Age differential	Age differential	Age differential	Age differential	Age differential
	3. Serious personal injury on another person	a. _____					
4. Aided/abetted by 1+ person	b. _____	Class: _____	Class: _____	Class: _____	Class: _____	Class: _____	
Class: <b>B1</b>	c. _____	Class: _____	Class: _____	Class: _____	Class: _____	Class: _____	
	d. Aided/abetted by 1+ person	Class: _____	Class: _____	Class: _____	Class: _____	Class: _____	Class: _____
<b>Cunnilingus</b>							
<b>Analingus</b>							
<b>Fellatio</b>							
<b>Object inserted into genitals or anus</b>							

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**RAPE AND OTHER SEX OFFENSES**

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**Second-degree Forcible Rape** (Crimes Book p. 223; supp. p. 79)  
**Second-degree Forcible Sexual Offense** (CB p. 234; supp. p. 84)

1. Vaginal intercourse / Sexual act
2. With another person
3. Either:
  - a. By force and against the person's will, or
  - b. With someone who is:
    - i. mentally disabled
    - ii. mentally incapacitated, or
    - iii. physically helpless, and the defendant knew or should have known about the disability

• This offense is a Class C felony.

Low intelligence; inability to appraise conduct or resist

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**Second-degree Forcible Rape** (Crimes Book p. 223; supp. p. 79)  
**Second-degree Forcible Sexual Offense** (CB p. 234; supp. p. 84)

1. Vaginal intercourse / Sexual act
2. With another person
3. Either:
  - a. By force and against the person's will, or
  - b. With someone who is:
    - i. mentally disabled
    - ii. mentally incapacitated, or
    - iii. physically helpless, and the defendant knew or should have known about the disability

• This offense is a Class C felony.

Not voluntary intoxication

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**Second-degree Forcible Rape** (Crimes Book p. 223; supp. p. 79)  
**Second-degree Forcible Sexual Offense** (CB p. 234; supp. p. 84)

1. Vaginal intercourse / Sexual act
2. With another person
3. Either:
  - a. By force and against the person's will, or
  - b. With someone who is:
    - i. mentally disabled
    - ii. mentally incapacitated, or Sleeping; unconscious
    - iii. physically helpless, and the defendant knew or should have known about the disability

- This offense is a Class C felony.

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	First Degree FORCIBLE	Second Degree FORCIBLE	First Degree STATUTORY	STATUTORY - Victim 15 or younger (Offense on basis of age)	STATUTORY - Victim 15 or younger (Offense on basis of age)
<b>RAPE</b>	Force that is: - at least one of the following: 1. Dangerous/deadly weapon 2. Serious pers. injury / victim 3. Serious personal injury on another person 4. Administered by 1+ person	Force that is: 1. Forcible 2. With a person who is: Mentally disabled Mentally incapacitated Phys. helpless	Force that is: 1. Forcible 2. With a person who is: Mentally disabled Mentally incapacitated Phys. helpless	Victim 15 or younger (Offense on basis of age)	Victim 15 or younger (Offense on basis of age)
<b>Vaginal intercourse</b>	Class B1	Class C	Class C	Class C	Class C
<b>SEXUAL OFFENSE</b>	Force that is: - at least one of the following: 1. Dangerous/deadly weapon 2. Serious pers. injury / victim 3. Serious personal injury on another person 4. Administered by 1+ person	Force that is: 1. Forcible 2. With a person who is: Mentally disabled Mentally incapacitated Phys. helpless	Force that is: 1. Forcible 2. With a person who is: Mentally disabled Mentally incapacitated Phys. helpless	Victim 15 or younger (Offense on basis of age)	Victim 15 or younger (Offense on basis of age)
<b>Anal intercourse</b>	Class B1	Class C	Class C	Class C	Class C
<b>Oral intercourse</b>	Class B1	Class C	Class C	Class C	Class C
<b>Coitus</b>	Class B1	Class C	Class C	Class C	Class C
<b>Fellatio</b>	Class B1	Class C	Class C	Class C	Class C
<b>Object inserted into genitals or anus</b>	Class B1	Class C	Class C	Class C	Class C

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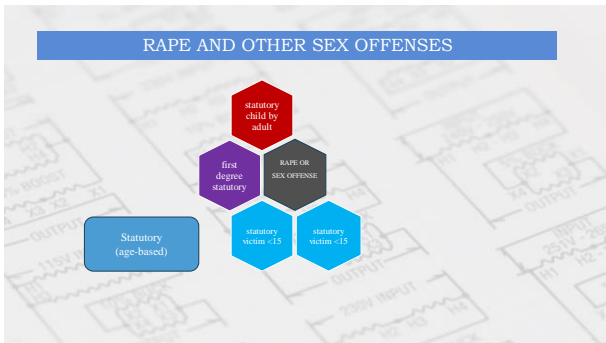
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## B. Statutory (Age-Based) Offenses

- Consent is no defense
- Mistake of age is no defense
- Relevant ages are measured based on birthdate

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RAPE AND OTHER SEX OFFENSES

The diagram features a blue header 'RAPE AND OTHER SEX OFFENSES' at the top. Below it, three colored boxes represent different offense categories: a purple box for 'first degree statutory', a black box for 'RAPE OR SEX OFFENSE', and a blue box for 'Statutory (age-based)'. The background is a faint technical drawing of a circuit board.

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### First-degree Statutory Rape (Crimes Book p. 225; supp. p. 80)

### First-degree Statutory Sexual Offense (CB p. 235; supp. p. 85)

1. Vaginal intercourse / Sexual act
2. With a child under the age of 13 years
3. By a defendant who is at least 12, and at least four years older than the victim

- This offense is a Class B1 felony.

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	First degree FORCIBLE	Second degree FORCIBLE	First degree STATUTORY	STATUTORY - 12 or 13 for ADULT	STATUTORY - 12 or 13 for ADULT	STATUTORY - 12 or 13 for ADULT
<b>RAPE</b>	Force that is FORCIBLE	Force that is FORCIBLE	Statutory 12 or 13	Statutory 12 or 13	Statutory 12 or 13	Statutory 12 or 13
<b>Vaginal intercourse</b>	<ul style="list-style-type: none"> <li>1. Dangerous/lethal weapon.</li> <li>2. Serious pers. injury / victim</li> <li>3. Serious personal injury on another person</li> <li>4. Admitted by 1+ person</li> </ul>	<ul style="list-style-type: none"> <li>1. With a person who is Mentally disabled</li> <li>2. Phys. helpless</li> </ul>	Class B1	Class B1	Class B1	Class B1
<b>SEXUAL ABUSE</b>	Force that is FORCIBLE	Force that is FORCIBLE	Statutory 12 or 13	Statutory 12 or 13	Statutory 12 or 13	Statutory 12 or 13
<ul style="list-style-type: none"> <li>Anal intercourse</li> <li>Cunnilingus</li> <li>Analingus</li> <li>Fellatio</li> <li>Object inserted into genitals or anus</li> </ul>	<ul style="list-style-type: none"> <li>1. Dangerous/lethal weapon</li> <li>2. Serious pers. injury / victim</li> <li>3. Serious personal injury on another person</li> <li>4. Admitted by 1+ person</li> </ul>	<ul style="list-style-type: none"> <li>1. With a person who is Mentally disabled</li> <li>2. Phys. helpless</li> </ul>	Class B1	Class B1	Class B1	Class B1

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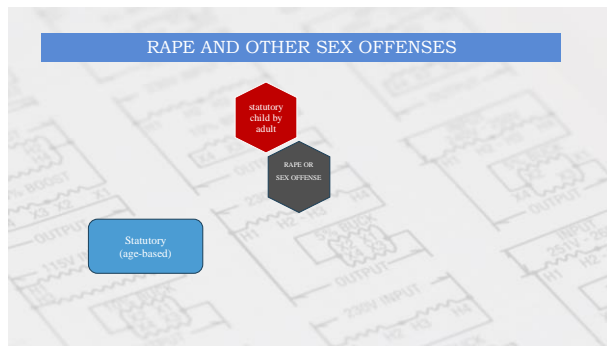
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**Statutory Rape by an Adult (Crimes Book p. 227; supp. p. 81)**  
**Statutory Sexual Offense by an Adult (CB p. 236; supp. P. 85)**

- Vaginal intercourse / Sexual act
- With a child under the age of 13 years
- By a defendant who is at least 18 years old

**Class B1 felony+  
300-month min. sentence  
10-Year SBM**

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	First degree FORCIBLE	Second degree FORCIBLE	Third degree STATUTORY	STATUTORY - 12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100	STATUTORY - 12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100	STATUTORY - 12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100
RAPE	Force that is FORCIBLE + at least one of the following: 1. Dangerous/lethal weapon. 2. Serious pers. injury / victim 3. Serious personal injury on another person 4. Admitted by 1+ person	Force that is FORCIBLE 1. Forcible or 2. With a person who is Mentally disabled 3. Phys. helpless	Statutory 12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100	Statutory 12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100	Statutory 12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100	Statutory 12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100
SEXUAL ABUSE	Force that is FORCIBLE + at least one of the following: 1. Dangerous/lethal weapon. 2. Serious pers. injury / victim 3. Serious personal injury on another person 4. Admitted by 1+ person	Force that is FORCIBLE 1. Forcible or 2. With a person who is Mentally disabled 3. Phys. helpless	Statutory 12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100	Statutory 12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100	Statutory 12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100	Statutory 12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

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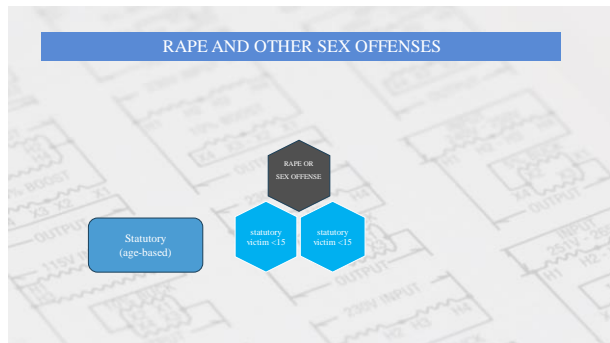
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## Statutory Rape / Sexual Offense of a Person 15 or Younger (crimes book pp. 229, 238; supp. pp. 81, 86 )

1. Vaginal intercourse / Sexual act
2. With a victim who is 15 years of age or younger
3. And:
  1. By a defendant who is at least 12 years old, and 6 years older than the victim (Class B1 felony); or
  2. By a defendant who is at least 12 years old, and more than 4 but less than 6 years older than the victim (Class C felony).

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	First degree FORCIBLE	Second degree FORCIBLE	First degree STATUTORY	STATUTORY - 12 or 15 or 18	STATUTORY - 12 or 15 or 18 or 18+ (dependent on level of force used on victim)	STATUTORY - 12 or 15 or 18 or 18+ (dependent on level of force used on victim)
<b>RAPE</b>	Force that is Forcible + at least one of the following: 1. Dangerous/lethal weapon 2. Serious pers. injury / victim 3. Serious personal injury on another person 4. Admitted by 1+ person Class: B1 Class: C	Force that is Forcible + at least one of the following: 1. With a person who is Mentally disabled 2. Mentally incapable 3. Phys. helplessness Class: B1 Class: C	Force that is Forcible + at least 12 V under 13 Age differential: 4+ Class: B1 Class: C	Force that is Forcible + at least 12 V under 13 Age differential: 4+ Class: B1 Class: C	Force that is Forcible + at least 12 V under 13 Age differential: 4+ Class: B1 Class: C	Force that is Forcible + at least 12 V under 13 Age differential: 4+ Class: B1 Class: C
<b>SEXUAL OFFENSE</b>	Force that is Forcible + at least one of the following: 1. Dangerous/lethal weapon 2. Serious pers. injury / victim 3. Serious personal injury on another person 4. Admitted by 1+ person Class: B1 Class: C	Force that is Forcible + at least one of the following: 1. With a person who is Mentally disabled 2. Mentally incapable 3. Phys. helplessness Class: B1 Class: C	Force that is Forcible + at least 12 V under 13 Age differential: 4+ Class: B1 Class: C	Force that is Forcible + at least 12 V under 13 Age differential: 4+ Class: B1 Class: C	Force that is Forcible + at least 12 V under 13 Age differential: 4+ Class: B1 Class: C	Force that is Forcible + at least 12 V under 13 Age differential: 4+ Class: B1 Class: C

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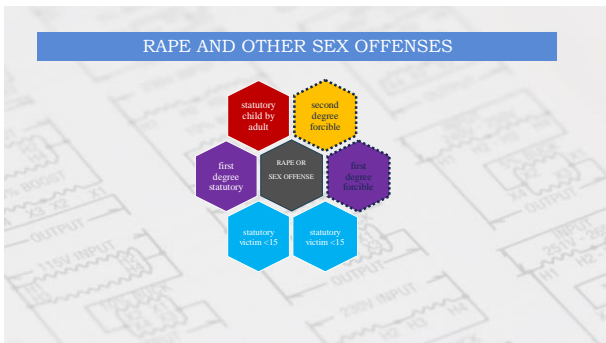
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### III. OTHER SEX CRIMES

Crimes Book pp. 246, 254, 281;  
Supp. pp. 90, 92, 105

INDECENT LIBERTIES, SEXUAL BATTERY, AND THE CRIME AGAINST NATURE

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#### RAPE AND OTHER SEX OFFENSES



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### GENERAL FRAMEWORK

#### WHAT WAS THE ACT?

- Vaginal intercourse
- "Sexual act"
- "Sexual contact"
- Indecent liberties

Sexual contact includes any of the following:

- Touching the sexual organ, anus, breast, groin, or buttocks of any person.
- A person touching another person with their own sexual organ, anus, breast, groin, or buttocks.
- A person ejaculating, emitting, or placing semen, urine, or feces upon any part of another person.

#### WAS IT FORCIBLE OR STATUTORY (AGE BASED)?

- Actual force
- Constructive force
- Age of Defendant
- Age of Victim
- Age Differential

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### A. Sexual Battery (Crimes Book p. 254; Supp. p. 92)

A person is guilty of sexual battery if:

1. For the purpose of sexual arousal, gratification, or abuse
2. The person engages in "sexual contact" with another person
3. Either:
  - a. By force and against the will of the other person; or
  - b. Who is mentally disabled, mentally incapacitated, or physically helpless, and the defendant knows or should reasonably know of the condition.

• This offense is Class A1 misdemeanor and requires sex offender registration

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**Second-degree Forcible Rape/ Sex Offense**

(a) A person is guilty of second-degree forcible rape / sex offense if the person engages in vaginal intercourse / a sexual act with another person:

**Sexual Battery**

(a) A person is guilty of sexual battery if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person:

(1) By force and against the will of the other person; or

(2) Who has a mental disability or who is mentally incapacitated or physically helpless, and the person performing the act knows or should reasonably know of the condition.

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**GENERAL FRAMEWORK**

WHAT WAS THE ACT?

- Vaginal intercourse
- "Sexual act"
- "Sexual contact"
- Indecent liberties

WAS IT FORCIBLE OR STATUTORY (AGE BASED)?

- Actual force
- Constructive force
- Age of Defendant
- Age of Victim
- Age Differential

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### B. Taking Indecent Liberties with Children

(Crimes Book p. 246; Supp. p. 90)

A person is guilty of taking indecent liberties if he:

1. Takes or attempts to take indecent liberties for the purpose of arousing or gratifying sexual desire, *or*
2. Commits or attempts to commit any lewd or lascivious act upon or with the body of a child

With a victim of either sex under the age of 16

By a defendant who is 16 years of age or more and at least five years older than the victim

- This offense is a Class F felony.

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### GENERAL FRAMEWORK

WHAT WAS THE ACT?

- Vaginal intercourse
- "Sexual act"
- "Sexual contact"
- Indecent liberties

**MAYBE**

WAS IT FORCIBLE OR STATUTORY (AGE BASED)?

- Actual force
- Constructive force
- Age of Defendant
- Age of Victim
- Age Differential

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### C. The Crime Against Nature

(Crimes book p. 281; Supp. p. 105)

Statute enacted in 1837:

**Crime against nature, felony.** 6. Any person who shall commit the abominable and detestable crime against nature, not to be named among christians, with either man or beast, shall be adjudged guilty of felony, and shall suffer death without benefit of clergy.

Current Statute:

If any person shall commit the crime against nature, with mankind or beast, he shall be punished as a Class I felon.

- Prohibited activity now includes anal intercourse, fellatio, cunnilingus, analingus, and object penetration.
- Since at least 2003, excludes consenting adults acting in private.

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**INDECENT LIBERTIES WITH CHILDREN (p. 294)**

- Takes or attempts to take an indecent liberty with a child for the purpose of arousing or gratifying sexual desire, or
- Willfully commits or attempts to commit any lewd or lascivious act upon or with the body of a child

D of body: SE  
 V number: 1E  
 Age differential: 5a  
 Class: F

**SEXUAL BATTERY (p. 294)**

- Sexual contact, defined as:
  - o Touching the sexual organ, anus, breast, groin, or buttocks of any person;
  - o Touching another person with one's own sexual organ, anus, breast, groin, or buttocks; or
  - o Exposed, emitting, or placing semen, urine, or feces on another person
- For a sexual purpose
- Either
  - o By force and against the will of a victim, or
  - o With a person who is mentally disabled, mentally incapacitated, or physically helpless.

Class: A1 156C

**CRIME AGAINST NATURE (p. 302)**

- Sex acts other than vaginal intercourse.
- Constitutional limitation: Does not apply to adults engaged in consensual acts in private. *Lawrence v. Texas*, 539 U.S. 558 (2003).
- Felony

Class: No sex offender registration required

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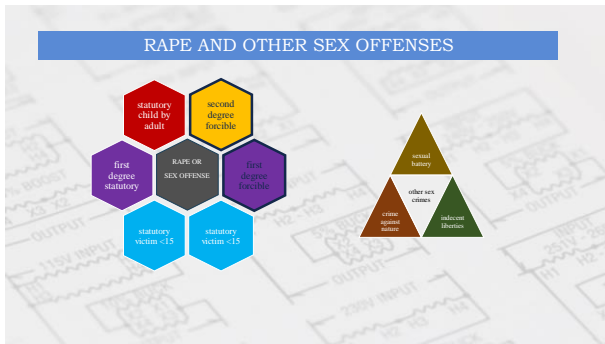
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