**Defining Consent**

**Arkansas**

Consent has been interpreted to mean "a willingness or concurrence [with the proposition of another]." In State v. Adams (1996), 930 S.W.2d 360, 326 Ark. 382. In State v. Adams, 440 P.3d 345, 349 (Alaska Ct. App. 2019), consent means that a person is temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic or other means for the purpose of preventing resistance. Forcible compulsion means that a person is physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. Arkansas Code §§ 5-14-101; 5-14-125.

A person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic or other means for the purpose of preventing resistance. Consent means that a person is: physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. Arkansas Code §§ 5-14-101; 5-14-125.

A person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic or other means for the purpose of preventing resistance. Consent means that a person is: physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. Arkansas Code §§ 5-14-101; 5-14-125.

**Defining Consent**

**Alaska**

Consent means that a person is: physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. Alaska Code §§ 5-14-101; 5-14-125.

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**Connecticut**

Consent means that a person is: physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. Connecticut General Statutes Annotated §§ 53a-65; 53a-70; 53a-71; 53a-72a; 53a-73a.

**Delaware**

Consent means that a person is: physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. Delaware Code § 781.

**District of Columbia**

Consent means that a person is: physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. D.C. Code § 22-3001(4).

**Florida**

Consent means that a person is: physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. Florida Statutes § 794.011.

**Georgia**

Consent means that a person is: physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. Georgia Code § 16-6-1.

**Guam**

Consent means that a person is: physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. HRS §§ 707-730; 707-731; 707-732.

**Harvard**

Consent means that a person is: physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. H.R. 8015-700.

**Hawaii**

Consent means that a person is: physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. Hawaii Revised Laws, title 70, § 707-700.

**New Mexico**

Consent means that a person is: physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. N.M. Stat. § 11-41-478(B).

**Pennsylvania**


**Rhode Island**

Consent means that a person is: physically helpless, mentally defective, mentally incapacitated, or because of a victim's age. R.I. Gen. Laws § 11-41-478(B).

**State of Alabama**

**Illinois**

**Counsel not specifically defined.** However, Illinois law defines rape as “the sexual act done by force or fear or against the will of the other if the consent or acquiescence of the victim is procured by threats of violence or force or fear or by any other means.”

- The victim is under the age of 16 years.
- The victim is physically incapable of giving consent due to mental disability.
- The victim is under the influence of an anesthetic agent or other controlled substance.
- The victim is unconscious or otherwise physically incapable of giving consent.
- The victim is asleep, unconscious, or otherwise physically incapacitated.
- The victim is under the influence of an anesthetic agent or other controlled substance.
- The victim is unconscious or otherwise physically incapable of giving consent.
- The victim submits under the belief that the sexual act is being done by a law enforcement officer.
- The victim submits by reason of physical or mental incapacity.
- The victim is under the influence of alcohol.
- The victim is under the influence of an anesthetic agent or other controlled substance.
- The victim is unconscious or otherwise physically incapable of giving consent.
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The term "consent" means speech or overt actions indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean 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 ability to execute such threats in the future.

Section 2.

Consent is not specifically defined. However, Maryland law provides that a person commits a crime if that person engages in "vaginal intercourse" or "sexual act" with another, (i) by force, threat of force, or in the shape of force, without the consent of the other; (ii) if the victim is a substantially incapacitated individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the sexual act is not a substantially incapacitated individual, a mentally incapacitated individual, or a physically helpless individual; (iii) if the victim is under the age of 18 years, and the person performing the sexual act is less than 21 years old; (iv) if the victim is 16 or 17 years old, and the person performing the sexual act is less than 21 years old; or (v) if the victim is 18 or 19 years old, and the person performing the sexual act is less than 21 years old. MD Code, Criminal Law, § 3-301.

"Substantially physically helpless individual" means an individual who, because of a mental or physical defect, or a threatening or intimidating environment, is unable to consent to vaginal intercourse, a sexual act, or sexual contact. MD Code, Criminal Law, § 3-301.

"Substantially cognitively impaired individual" means an individual who, because of a mental or physical defect, or a threatening or intimidating environment, is unable to consent to vaginal intercourse, a sexual act, or sexual contact. MD Code, Criminal Law, § 3-301.

Maryland law also provides that a person may not engage in sexual contact with another, (i) by force, threat of force, or in the shape of force, without the consent of the other; (ii) if the victim is a substantially incapacitated individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the sexual act is not a substantially incapacitated individual, a mentally incapacitated individual, or a physically helpless individual; (iii) if the victim is under the age of 18 years, and the person performing the sexual act is less than 21 years old; (iv) if the victim is 18 or 19 years old, and the person performing the sexual act is less than 21 years old. MD Code, Criminal Law, § 3-301.

Section 3.

The term "consent" means words or overt actions indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean 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 ability to execute such threats in the future.
Engages in sexual penetration with a person, other than his legal spouse, who is 13 years of age or older and under 18 years of age when the age difference between the act and the other person is 4 years or more, or
Engages in sexual contact with a person other than his legal spouse who is under 13 years of age.

To establish consent, the state must prove:
1. The defendant consents to engage in sexual contact by an affirmative, unequivocal, and unambiguous statement of consent, either verbally or in writing.
2. The defendant consents freely and voluntarily, without any coercion or duress.
3. The defendant consents based on a genuine understanding of the risks and consequences of the sexual act.

In order to establish effective consent by the putative victim of a sexual assault, a defendant must demonstrate the presence of "affirmative and unambiguous permission," which means the victim must have given consent that is clear and unambiguous. This can be established by a victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity.

In New Jersey, the term "consent" refers to the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In New Mexico, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In North Carolina, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

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In Pennsylvania, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In Puerto Rico, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In Rhode Island, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In South Carolina, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In South Dakota, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In Tennessee, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In Texas, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In Utah, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In Virginia, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In Washington, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In West Virginia, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In Wisconsin, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.

In Wyoming, the term "consent" means the affirmative, unambiguous, and voluntary permission to engage in a sexual activity. Consent can be established by the victim's express words or conduct that indicates consent. Consent must be specific and the victim must manifest a willingness to engage in the sexual activity. Consent is not valid if it is obtained through force, threat of force, or other means of coercion.
Rhode Island

Rhode Island does not specifically define "consent." A person is guilty of first degree sexual assault if she or he engages in sexual penetration with another person, and if any of the following conditions are present: (a) the accused, not being the spouse of the victim, knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless; (b) the accused, not being the spouse of the victim, uses more force or coercion than that necessary to accomplish the sexual contact; (c) the accused, not being the spouse of the victim, is convicted of a prior crime involving sexual assault or sexual battery in the same or another state; (d) the accused, not being the spouse of the victim, is a law enforcement officer, or person employed in a position of public trust, and the accused uses or threatens to use force or violence or otherwise interferes with the victim's free will; (e) the accused uses or threatens to use force or violence or otherwise interferes with the victim's free will; (f) the accused, not being the spouse of the victim, is convicted of a prior crime involving sexual assault or sexual battery in the same or another state, and the accused does not make any effort which would substantially mitigate the risk of commission of an act which would constitute a violation of sexual assault or sexual battery.

A person is guilty of second degree sexual assault if she or he engages in sexual penetration with another person of the opposite sex, and if any of the following conditions are present: (a) the accused, not being the spouse of the victim, knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless; (b) the accused, not being the spouse of the victim, uses more force or coercion than that necessary to accomplish the sexual contact; (c) the accused, not being the spouse of the victim, is convicted of a prior crime involving sexual assault or sexual battery in the same or another state; (d) the accused, not being the spouse of the victim, is a law enforcement officer, or person employed in a position of public trust, and the accused uses or threatens to use force or violence or otherwise interferes with the victim's free will; (e) the accused uses or threatens to use force or violence or otherwise interferes with the victim's free will; (f) the accused, not being the spouse of the victim, is convicted of a prior crime involving sexual assault or sexual battery in the same or another state, and the accused does not make any effort which would substantially mitigate the risk of commission of an act which would constitute a violation of sexual assault or sexual battery.

A person is guilty of third degree sexual assault if she or he 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, unless (i) the accused is over the age of twenty-one (21) years and has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless; or (ii) the accused is over the age of twenty-one (21) years and has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless; (c) the accused uses or threatens to use force or violence or otherwise interferes with the victim's free will; (d) the accused, not being the spouse of the victim, is convicted of a prior crime involving sexual assault or sexual battery in the same or another state, and the accused does not make any effort which would substantially mitigate the risk of commission of an act which would constitute a violation of sexual assault or sexual battery.

South Carolina

South Carolina does not specifically define "consent." A person is guilty of criminal sexual conduct in the first degree if the accused engages in sexual battery with the victim and, if any one or more of the following circumstances are present: (a) the accused uses aggravated force to accomplish sexual battery; (b) the accused submits to sexual battery by the victim under circumstances where the accused is the victim's employer or supervisor, and the accused uses force or coercion or fraud or deception to accomplish the sexual battery, or causes or induces another person to accomplish the sexual battery; (c) the accused, not being the spouse of the victim, knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless.

A person is guilty of criminal sexual conduct in the second degree if the accused uses aggravated coercion to accomplish sexual battery. S.C. Code Ann. § 16-3-651.

South Dakota


Tennessee

Tennessee does not provide a definition for consent. Subsection (c)(1) of § 39-13-505 states that a person commits the offense of sexual battery if the actor uses force, coercion, or fraud to accomplish sexual battery with another person, when the actor knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless.

Texas

Order Texas law: sexual assault "without the consent of the other person" when: (a) the accused compels the other person to submit to or participate in any sexual penetration, sexual contact, or fondling; (b) the accused compels the other person to submit or participate by threatening to use force or coercion against the other person or to cause harm to the other person, and the accused knows or has reason to know that the other person is mentally incapacitated, mentally disabled, or physically helpless.

Utah

Utah does not provide a definition for consent. Consent is not specifically defined. However, there is no consent in circumstances when: (a) the person's resistance is prevented by fear of immediate and great bodily harm; or; (b) the person's resistance is prevented by fear of death or physical injury to another person, or of the person or property of another person, so as to place the actor in a position of fear or dread without the actor's reason to believe that such fear or dread is justifiable.

Virginia

Virginia does not specifically define consent, but defines rape and sexual battery by sexual intercourse or sexual abuse, respectively, of a complaining witness against her will. Va. Code Ann. §58.1-221; 18.2-7.1.

Washington

Washington requires that there are actual words or conduct indicating freely given assent to sexual intercourse or sexual contact at the time of the act. Wash. Rev. Code Ann. §9A.88.012(1).
### Capacity to Consent

#### Alaska

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<th>Consent Requirements</th>
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- **Incapacitated**: means (among other things) that a person is unable to give informed consent because of mental incapacity or mental illness, is mentally incapacitated, is mentally ill, or is an incapacitated person (a person who lacks mental capacity or capacity to act). Alaska Stat. § 11.41.420(b).

#### Arkansas

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<td>18 years old</td>
<td>Can consent if not otherwise incapacitated. Arkansas Code § 11-14-110(a)(1).</td>
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- **Incapacitated**: means (among other things) that a person is unable to give informed consent because of mental incapacity or mental illness, is mentally incapacitated, is mentally ill, or is an incapacitated person (a person who lacks mental capacity or capacity to act). Arkansas Code §§ 11-14-110(a)(1). |

#### Arizona

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- **Incapacitated**: means (among other things) that a person is unable to give informed consent because of mental incapacity or mental illness, is mentally incapacitated, is mentally ill, or is an incapacitated person (a person who lacks mental capacity or capacity to act). Arizona Revised Statutes § 13-1401(A)(7)(b). |

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**Note**: The purpose of a medical professional's statement is to establish that the victim was incapable of giving informed consent due to an incapacitating condition or circumstances. The statement can be used in court to demonstrate that the victim was unable to make an informed decision regarding sexual consent. However, it is important to note that the statement alone cannot be used as conclusive evidence in determining a victim's ability to consent. Other factors, such as physical evidence and witness testimony, must also be considered.

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**Disclaimer**: The information provided is for general educational purposes only and is not intended to be a substitute for professional medical advice. Always consult a medical professional for specific guidance on any legal or medical questions.

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**Legal Note**: The information provided in this document is intended to be a general reference and is not intended to be a substitute for legal advice. The information is subject to change, and it is the responsibility of the reader to verify the accuracy and applicability of the information to their specific situation. The author makes no representations or warranties of any kind, express or implied, concerning the completeness, accuracy, or appropriateness of the information contained herein.
California

18 years old: California Penal Code § 261.5.

Yes, a person is capable of committing sexual penetration under the influence of a nonorganic brain disorder.

Yes, a person is capable of committing sexual penetration under the influence of a mental illness or mental defect.

Yes, a person is capable of committing sexual penetration under the influence of a nonorganic brain disorder or mental illness.

Yes, a person is capable of committing sexual penetration under the influence of a mental illness or mental defect.

Yes, a person is capable of committing sexual penetration under the influence of a nonorganic brain disorder or mental illness.

California

11 years old or 15 years old if the actor is not more than four years older, California Penal Code § 261(a)(4)(A).

Yes, the victim is incapable of giving consent or understanding the nature of the sexual activity when the actor is more than four years older.

Yes, the actor is incapable of giving consent or understanding the nature of the sexual activity when the other person is an incapacitated or impaired person.

Yes, a person is incapable of giving consent to sexual activity when the actor is a person who stands in a position of trust, authority or supervision over the child, or is an incapacitated or impaired person.

Yes, a person is incapable of giving consent to sexual activity when the actor is a person who stands in a position of trust, authority or supervision over the child, or is an incapacitated or impaired person.

Connecticut

18 years old: Connecticut General Statutes Annotated § 53a-52.

Yes, an older person is incapable of giving consent to sexual activity when the actor is in a position of trust, authority or supervision over the older person.

Yes, a minor is capable of consenting to sexual intercourse with an adult who is the minor’s spouse. Connecticut General Statutes Annotated § 53a-52(a).

Yes, an older person is incapable of giving consent to sexual activity when the actor is a person who stands in a position of trust, authority or supervision over the older person.

Yes, an older person is incapable of giving consent to sexual activity when the actor is in a position of trust, authority or supervision over the older person.

Delaware

18 years old: the defendant is 18 years old or older, Delaware Code Title 11, Chapter 774, § 11-774.

Yes, a person can be held in all jurisdictions. There is no consent to the sexual contact when the actor is a person who stands in a position of trust, authority or supervision over the child and the actor is not the child's parent, stepparent, adoptive parent, or person who has primary legal custody of the child.

Yes, a person is incapable of giving consent to sexual activity when the actor is a person who stands in a position of trust, authority or supervision over the older person.

Yes, a person is incapable of giving consent to sexual activity when the actor is a person who stands in a position of trust, authority or supervision over the older person.

Yes, a person is incapable of giving consent to sexual activity when the actor is a person who stands in a position of trust, authority or supervision over the older person.
Yes. A person is unable to consent to engaging in a sexual act if such person is: 

- Incapable of appraising or controlling his or her conduct;
- Incapable of communicating a willingness to engage in such act.


Yes. A person's ability to consent is impacted by improper inducement or coercion by another person in such a manner that the person's ability to reasonably believe that the offender is in a position of trust, authority or supervision over the child is impaired.


Florida

Yes. A person who physically helpless or mentally incapacitated may not be able to provide intelligence, knowledge, and will necessary for physically helpless or mentally incapacitated participation in the act.

Florida Statutes § 796.01(1)(m).

Yes. A person that is physically helpless or mentally incapacitated may not be able to provide information, knowledge, and will necessary for physically helpless or mentally incapacitated participation in the act.

Florida Statutes § 796.01(1)(n).

Yes. A person that is physically helpless or mentally incapacitated may not be able to provide information, knowledge, and will necessary for physically helpless or mentally incapacitated participation in the act.

Florida Statutes § 796.01(1)(n).

Yes. A person who is physically helpless or mentally incapacitated may not be able to provide information, knowledge, and will necessary for physically helpless or mentally incapacitated participation in the act.

Florida Statutes § 796.01(1)(n).

Yes. A person who is physically helpless or mentally incapacitated may not be able to provide information, knowledge, and will necessary for physically helpless or mentally incapacitated participation in the act.

Florida Statutes § 796.01(1)(n).

Yes. A person who is physically helpless or mentally incapacitated may not be able to provide information, knowledge, and will necessary for physically helpless or mentally incapacitated participation in the act.

Florida Statutes § 796.01(1)(n).

Sexual Abuses of a Minor;

- A minor in a significant relationship with a person who is over 18 years of age, or a person who engages in sexual contact with a child under 16 years of age, or a person who engages in sexual contact with a child under the age of 16 when the person is at least 4 years older than the child and the person is in a position of trust, authority or supervision over the child, as an intimate or designated caregiver to the child, as a babysitter, child care provider, or child care aide, or in any other role in which the person is trusted to care for, supervise, or control the child.


- A minor in a significant relationship with a person who is over 18 years of age, or a person who engages in sexual contact with a child under 16 years of age, or a person who engages in sexual contact with a child under the age of 16 when the person is at least 4 years older than the child and the person is in a position of trust, authority or supervision over the child, as an intimate or designated caregiver to the child, as a babysitter, child care provider, or child care aide, or in any other role in which the person is trusted to care for, supervise, or control the child.


Sexual Abuses of a Secondary Education Student;

- A student under the age of 20 years enrolled in a secondary level school cannot consent to sexual acts or sexual conduct with any teacher, counselor, principal, councilor, or any other person of authority in the school or school system.


Sexual Abuses of a Ward;

- A ward, patient, client, or prisoner, as applicable, cannot consent to sexual contact with any staff member, employee, contacts employee, public official, or any other person who is an elected official or any other person having regular direct contact with a ward, patient, client, or prisoner.


Sexual Abuses of a Patient or Client;

- A patient or client cannot consent to sexual contact with anyone who is a professional provider of medical, dental, mental health, legal, spiritual, or other similar, or an officer or employee of a professional relationship of trust with the patient or client.


- A patient or client cannot consent to sexual contact with anyone who is a professional provider of medical, dental, mental health, legal, spiritual, or other similar, or an officer or employee of a professional relationship of trust with the patient or client.


- A patient or client cannot consent to sexual contact with anyone who is a professional provider of medical, dental, mental health, legal, spiritual, or other similar, or an officer or employee of a professional relationship of trust with the patient or client.


- A patient or client cannot consent to sexual contact with anyone who is a professional provider of medical, dental, mental health, legal, spiritual, or other similar, or an officer or employee of a professional relationship of trust with the patient or client.

Yes, a victim who has a mental incapacitation or loss of the mental capacity to make ordinary business decisions as a result of being under the influence of a substance including alcohol is not capable of giving consent. 720 ILCS 5/11-1.30; 25.20; 25.25; 25.30.

Yes. A person commits a sex crime if the person subjects another person to a sexual act with the person's conduct as a result of the substance administered to that person without the person's consent. 9 G.C.A. §§ 25.10(a)(6); 25.15; 25.20; 25.25; 25.30.

Yes. A person commits sexual assault in the first degree if that employee or agent engages in sexually explicit conduct with the person or otherwise violates the person’s rights under HRS § 707–731(1)(c) to the charge of sexual assault in the first degree. 707-733.

Yes. A person commits a sex crime if the person subjects the other person to a sexual act with the person subjects another person to a sexual act with the person's conduct as a result of the substance administered to that person. 25.20; 25.25; 25.30.

Yes, a person commits a sex crime if the person subjects another person to a sexual act with the person's conduct as a result of the substance administered to that person without the person's consent. 25.20; 25.25; 25.30.

Yes, a person commits sexual assault in the first degree if the employee or agent engages in sexually explicit conduct with the person or otherwise violates the person’s rights under HRS § 707–731(1)(c) to the charge of sexual assault in the first degree. 707-733.

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Yes. A person commits a sex crime if the person subjects another person to a sexual act with the person’s conduct as a result of the substance administered to that person without the person’s consent. 25.20; 25.25; 25.30.

Yes. A person commits sexual assault in the first degree if the employee or agent engages in sexually explicit conduct with the person or otherwise violates the person’s rights under HRS § 707–731(1)(c) to the charge of sexual assault in the first degree. 707-733.

Yes, a person commits a sex crime if the person subjects another person to a sexual act with the person’s conduct as a result of the substance administered to that person without the person’s consent. 25.20; 25.25; 25.30.

Yes, a person commits a sex crime if the person subjects another person to a sexual act with the person’s conduct as a result of the substance administered to that person without the person’s consent. 25.20; 25.25; 25.30.

Yes. A person commits custodial sexual misconduct when the probation or parole officer, employee or agent of a state, local, or private correctional facility, by a private company providing services at a correctional facility, by a private company providing services at a type of correctional facility, or person serving a term of conditional release who is under the supervision of a custodial officer, surveillance agent, or after case specialist commits custodial sexual misconduct when the probation or parole officer, employee or agent of a state, local, or private correctional facility, by a private company providing services at a correctional facility, by a private company providing services at a type of correctional facility, or person serving a term of conditional release who is under the supervision of a custodial officer, surveillance agent, or after case specialist engages in sexual conduct or sexual penetration with a person who is under the supervision of the custodial officer, surveillance agent, or after case specialist. 720 ILCS 5/11-1.20; 25.30; 25.20; 25.25; 25.30.

Yes, a person commits a sex crime if the person subjects another person to a sexual act with the person’s conduct as a result of the substance administered to that person without the person’s consent. 25.20; 25.25; 25.30.

Yes. A person commits sexual assault in the first degree if the employee or agent engages in sexually explicit conduct with the person or otherwise violates the person’s rights under HRS § 707–731(1)(c) to the charge of sexual assault in the first degree. 707-733.

Yes, a person commits a sex crime if the person subjects another person to a sexual act with the person’s conduct as a result of the substance administered to that person without the person’s consent. 25.20; 25.25; 25.30.

Yes, a person commits a sex crime if the person subjects another person to a sexual act with the person’s conduct as a result of the substance administered to that person without the person’s consent. 25.20; 25.25; 25.30.

Yes, a person commits sexual assault in the first degree if the employee or agent engages in sexually explicit conduct with the person or otherwise violates the person’s rights under HRS § 707–731(1)(c) to the charge of sexual assault in the first degree. 707-733.
Yes. A person commits a sex crime if:

(a) the sex act is performed while the other person is under the influence of a controlled substance, which condition was known or should have been known to the person performing the sex act and the person performing the sex act knew or reasonably should have known that the other person is unconscious or physically incapable of giving consent; or

(b) the sex act is performed while the other person is under the influence of a controlled substance, which condition was known or should have been known to the person performing the sex act and the person performing the sex act knew or reasonably should have known that the other person is unconscious or physically incapable of giving consent.

Yes. A person commits a sex crime if:

(a) the sex act is performed while the other person is under the influence of a controlled substance, which condition was known or should have been known to the person performing the sex act and the person performing the sex act knew or reasonably should have known that the other person is unconscious or physically incapable of giving consent.

Yes, if the intoxication causes the victim to be unaware that the sex act is being performed, or if the intoxication causes the victim to lose control of himself or herself.

It is a defense to sexual misconduct with a minor of the child is 16 years of age or older and was at the time of the offense:

(a) a person who is at least 18 years of age and is the guardian, adoptive parent, adoptive grandparent, custodian, stepfather or stepmother of the child, and it appears that the person engaged in consensual sexual intercourse or other sexual conduct in which the child participated because of the necessity for health or medical reasons;

(b) a person who is at least 21 years of age and has been granted legal custody of the child, and it appears that the person engaged in consensual sexual intercourse or other sexual conduct in which the child participated because of the necessity for health or medical reasons.

The court held that the statute could be applied to a person who had legal custody of a child but who was not the child’s parent.

Sexual exploitation by a school employee occurs when there is sexual contact or solicitation of sexual contact by a school employee with a student, a former student, or a student of a different sex.

Sexual exploitation by a counselor or therapist occurs when there is sexual contact or solicitation of sexual contact by a counselor or therapist with a client or former client.

Sexual exploitation by a school employee occurs when there is sexual contact or solicitation of sexual contact by a school employee with a student, a former student, or a student of a different sex.

Sexual exploitation by a counselor or therapist occurs when there is sexual contact or solicitation of sexual contact by a counselor or therapist with a client or former client.

Sexual exploitation by a school employee occurs when there is sexual contact or solicitation of sexual contact by a school employee with a student, a former student, or a student of a different sex.

Sexual exploitation by a counselor or therapist occurs when there is sexual contact or solicitation of sexual contact by a counselor or therapist with a client or former client.
Yes. The following are deemed to be

(1) the other person suffers from a mental or physical disability, or the actor is a custodian, parent, guardian, or person having instructional, supervisory, or disciplinary authority over the other person; or

(2) the actor, operator, or employee is an employee of a correctional facility, detention facility, youth detention facility, or of an entity under contract to provide 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 soliciting is currently under the supervision of community corrections.

Kentucky

17 years old. A person is deemed incapable of consent when he or she is:

(1) the other person suffers from a mental or physical disability, or the actor is a custodian, parent, guardian, or person having instructional, supervisory, or disciplinary authority over the other person; or

(2) the actor, operator, or employee is an employee of a correctional facility, detention facility, youth detention facility, or of an entity under contract to provide 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 soliciting is currently under the supervision of community corrections.

16 years old. Yes. A person is deemed incapable of consent when he or she:

(1) is a minor under the age of 17-A M.R.S.A. 258, and certain charges of unlawful sexual contact against a student engaged in a sexual relationship with an educator by a person 17 years of age or older, but less than 21 years of age, the body of the educator, or the touching of the anus or genitals of a student 17 years of age or older, but less than 21 years of age, in the presence of a student who is 17 years of age or older, but less than 21 years of age, of or working at the time of the offense; or

(2) is a teacher, employee or other official having instructional, supervisory or disciplinary authority over a minor and knows or has reason to know the minor is present or subject to a surety or bail bond agreement with such surety; or

(3) a jailer, or an employee, contractor, vendor, or volunteer of the Department of Corrections, Department of Juvenile Justice, or of a detention facility, or of a foster child placed in the care of such family foster home.

(3) when the victim is incapable of understanding the nature of the sexual act because the victim is unconscious or otherwise physically helpless, which includes being under the influence of another person, or

(4) the actor, operator, or employee is an employee of an organization, program or entity that is involved in the provision of educational, vocational, or psychological services to persons with disabilities or the other person, and the actor, operator, or employee was providing services pertaining to such services from the organization, program or entity that is involved in the provision of educational, vocational, or psychological services to persons with disabilities.

Mississippi

Yes. Yes. The following are deemed to be

(1) the other person suffers from a mental or physical disability, or the actor is a custodian, parent, guardian, or person having instructional, supervisory, or disciplinary authority over the other person; or

(2) the actor, operator, or employee is an employee of a correctional facility, detention facility, youth detention facility, or of an entity under contract to provide 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 soliciting is currently under the supervision of community corrections.

(3) when the victim is incapable of understanding the nature of the sexual act because the victim is unconscious or otherwise physically helpless, which includes being under the influence of another person,

(4) the actor, operator, or employee is an employee of an organization, program or entity that is involved in the provision of educational, vocational, or psychological services to persons with disabilities or the other person, and the actor, operator, or employee was providing services pertaining to such services from the organization, program or entity that is involved in the provision of educational, vocational, or psychological services to persons with disabilities.

(1) when the victim is incapable of understanding the nature of the sexual act because the victim is unconscious or otherwise physically helpless, which includes being under the influence of another person,

(2) the actor, operator, or employee is an employee of an organization, program or entity that is involved in the provision of educational, vocational, or psychological services to persons with disabilities or the other person, and the actor, operator, or employee was providing services pertaining to such services from the organization, program or entity that is involved in the provision of educational, vocational, or psychological services to persons with disabilities.

(3) when the victim is incapable of understanding the nature of the sexual act because the victim is unconscious or otherwise physically helpless, which includes being under the influence of another person,

(4) the actor, operator, or employee is an employee of an organization, program or entity that is involved in the provision of educational, vocational, or psychological services to persons with disabilities or the other person, and the actor, operator, or employee was providing services pertaining to such services from the organization, program or entity that is involved in the provision of educational, vocational, or psychological services to persons with disabilities.
program or residence and suffers from a mental disability that is reasonably apparent or known to the actor; or
2. The person is a resident, and the sexual penetration occurs during the period of that other person's residency.

(7) The actor owns, operates or is an employee of an organization, program or residence that is operated, licensed by the Department, a detention center for juveniles, or a facility licensed by the Department of Education or the Department of Human Services and the other person, not the actor, resides intermittently or regularly in the same organization, program or residence and suffers from a mental disability that is reasonably apparent or known to the actor; or
3. The person is a resident, and the sexual penetration occurs during the period of that other person's residency.
Section 16

16 years old, unless
(i) the other person is in a position of authority, in which case the age of consent is 18 years old or
(ii) the other person is 16 or fewer months older than the victim, in which case the age of consent is 14. Miss. Code Ann. § 97-3-95; Miss. Code Ann. § 97-3-93.

Yes. A person is guilty of sexual battery if he or she engages in sexual conduct with another person who is incapable of consent, or lacks the capacity to consent, by the use of force, threat of force, or fraud.

Yes. Without consent means the victim is incapable of consent because the victim is mentally or physically incapable of resisting an act of sexual penetration or sexual contact or is incapable of appraising the nature and quality of the conduct.

Yes. Without consent means the victim is incapable of consent because the victim is mentally or physically incapable of communicating the victim's assent or is incapable of understanding the nature or boundaries of the conduct charged to constitute the offense.

Yes. Consent is ineffective if it is given by a person who, by reason of youth, mental disease, disorder or incapacity, is incapable of appraising the nature and quality of his or her conduct. Miss. Code Ann. § 45-5-501(1)(c).

Section 17

17 years old of the 14-17 age group. Miss. Rev. Stat. § 5606.32.

Yes, a person continues the offense of sexual abuse of a protected individual if the victim is a student in a school setting and the perpetrator: (A) is an employee, contractor, or volunteer of the school; (B) has supervisory or disciplinary authority over the victim or is on probation or parole and the perpetrator is an employee, contractor, or volunteer of the school; or (C) is an employee, contractor, or volunteer of the school who is on probation or parole.

Yes, for:

(b) a client receiving psychotherapy services and the perpetrator: (I) has supervisory or disciplinary authority over the victim; unless (ii) the act is part of a lawful search;

This does not apply to the individuals involved in the sexual assault or the perpetrator.

Section 18

18 years old. Any person who subjects another person to sexual contact who knows or should know that the victim is incapable of or lacks the capacity to consent.

Yes. Any person who subjects another person to sexual contact who knows or should know that the victim is incapable of or lacks the capacity to consent.

Yes. Any person who subjects another person to sexual contact who knows or should know that the victim is incapable of or lacks the capacity to consent.

Yes. Any person who subjects another person to sexual contact who knows or should know that the victim is incapable of or lacks the capacity to consent.

Yes. A person is guilty of sexual battery if he or she engages in sexual conduct with another person who is incapable of giving consent, or lacks the capacity to consent, by the use of force, threat of force, or fraud.

Yes. A person is guilty of sexual battery if he or she engages in sexual conduct with another person who is incapable of giving consent, or lacks the capacity to consent, by the use of force, threat of force, or fraud. Miss. Code Ann. § 97-3-95; Miss. Code Ann. § 97-3-93.

Yes. A person is guilty of sexual battery if he or she engages in sexual conduct with another person who is incapable of giving consent, or lacks the capacity to consent, by the use of force, threat of force, or fraud.

Yes. A person is guilty of sexual battery if he or she engages in sexual conduct with another person who is incapable of giving consent, or lacks the capacity to consent, by the use of force, threat of force, or fraud. Miss. Code Ann. § 97-3-95; Miss. Code Ann. § 97-3-93.

Yes. A person is guilty of sexual battery if he or she engages in sexual conduct with another person who is incapable of giving consent, or lacks the capacity to consent, by the use of force, threat of force, or fraud. Miss. Code Ann. § 97-3-95; Miss. Code Ann. § 97-3-93.
Yes. Although not expressly mentioned in the statute, evidence that the victim was incapacitated may support a conclusion that victim was unable to make a reasonable judgment as to the nature of the conduct charged to constitute the offense, or that the victim was induced by force, duress or deception to perform an act which is a kind of conduct prescribed by the law defining the offense.


Yes, it is a crime to commit an act of sexual penetration with a person that is in a position of authority over the victim and knows or has reason to know that the victim is incapable of understanding the nature of his or her conduct. N.J. Stat. Ann. § 2C:14-2(i).

New Mexico

Yes, a mentally incapacitated person who has a mental disorder or mental illness is incapable of giving consent to sexual intercourse. N.M. Stat. Ann. § 7-5-12(A).

Yes, engaging in sexual contact with a person that is incapable of giving consent is a criminal offense. N.M. Stat. Ann. § 7-4-12(B).

Yes, engaging in sexual conduct with a person that is incapable of giving consent is a criminal offense. N.M. Stat. Ann. § 7-4-12(C).

Yes, sexual activity between a adult and a minor is permitted if the couple is married. New Mexico Statutes § 7-5-9(B).

Yes, an intensified penalty for failure to understand a controlled substance when he/she knew or reasonably should have known that the victim was incapable of giving consent is a criminal offense. New Mexico Statutes § 7-4-12(D).

New York

Yes, a person is deemed incapable of giving consent to sexual intercourse if (i) the person is under the influence of a narcotic or other substance or is under the influence of alcohol or other intoxicating substance to the extent that he or she is incapable of appraising or controlling his conduct; or (ii) the person is incapable of giving consent because of a mental disorder or mental illness; or (iii) the person is incapable of giving consent because of a developmental disability. N.Y. Penal Law § 130.05(3)(b).

Yes, a person is deemed incapable of giving consent to sexual intercourse if: (i) he or she is under the influence of a narcotic or other substance or is under the influence of alcohol or other intoxicating substance, or is subject to the influence of a narcotic or other substance or is subject to the influence of alcohol or other intoxicating substance to the extent that he or she is incapable of appraising or controlling his conduct; or (ii) he or she is incapable of giving consent because of a mental disorder or mental illness; or (iii) he or she is incapable of giving consent because of a developmental disability. N.Y. Penal Law § 130.05(3)(b).

Yes, a person is deemed incapable of giving consent to sexual intercourse if he or she is the victim of a mental disorder or mental illness. N.Y. Penal Law § 130.05(3)(b).

Yes, an intensified penalty for failure to understand a controlled substance when he/she knew or reasonably should have known that the victim was incapable of giving consent is a criminal offense. New York Penal Law § 130.05(3)(b).
Yes, a person who engages in sexual contact with another, or who authorizes another to engage in sexual contact, is guilty of gross sexual imposition if that person knows or has reasonable cause to believe that the victim is unaware that the sex act or sexual contact is being committed upon him or her. N.D. Century Code Ann. § 12.1-20-03(1)(c) and 12.1-20-07(1)(c), as amended.

Yes. If the intimidation is involuntary:

An offender commits rape if the victim resists or consents to the sexual act by reason of mental or physical inability or because of the use of force or violence, or because of the perpetrator's fraudulent or deceitful representation of his or her identity or condition.

N.D. Century Code Ann. § 12.1-20-06.

Yes. If the victim resists or consents to the sexual act by reason of mental or physical inability or because of the use of force or violence, or because of the perpetrator's fraudulent or deceitful representation of his or her identity or condition:

An offender commits gross sexual imposition if the offender, or with his or her consent or at his or her direction, engages in sexual contact with another or submits another to sexual contact, and the victim was physically incapable of preventing such contact by reason of any natural or physical condition or because of the use of force, violence, threats, or communication of fear of death or bodily injury. N.D. Century Code Ann. § 12.1-20-06.

Yes. If the victim resists or consents to the sexual act by reason of mental or physical inability or because of the use of force or violence, or because of the perpetrator's fraudulent or deceitful representation of his or her identity or condition:

An offender commits gross sexual imposition if the offender, or with his or her consent or at his or her direction, engages in sexual contact with another or submits another to sexual contact, and the victim was physically incapable of preventing such contact by reason of any natural or physical condition or because of the use of force, violence, threats, or communication of fear of death or bodily injury. N.D. Century Code Ann. § 12.1-20-06.

Yes. If the victim resists or consents to the sexual act by reason of mental or physical inability or because of the use of force or violence, or because of the perpetrator's fraudulent or deceitful representation of his or her identity or condition:

An offender commits gross sexual imposition if the offender, or with his or her consent or at his or her direction, engages in sexual contact with another or submits another to sexual contact, and the victim was physically incapable of preventing such contact by reason of any natural or physical condition or because of the use of force, violence, threats, or communication of fear of death or bodily injury. N.D. Century Code Ann. § 12.1-20-06.

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An offender commits gross sexual imposition if the offender, or with his or her consent or at his or her direction, engages in sexual contact with another or submits another to sexual contact, and the victim was physically incapable of preventing such contact by reason of any natural or physical condition or because of the use of force, violence, threats, or communication of fear of death or bodily injury. N.D. Century Code Ann. § 12.1-20-06.

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An offender commits gross sexual imposition if the offender, or with his or her consent or at his or her direction, engages in sexual contact with another or submits another to sexual contact, and the victim was physically incapable of preventing such contact by reason of any natural or physical condition or because of the use of force, violence, threats, or communication of fear of death or bodily injury. N.D. Century Code Ann. § 12.1-20-06.

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An offender commits gross sexual imposition if the offender, or with his or her consent or at his or her direction, engages in sexual contact with another or submits another to sexual contact, and the victim was physically incapable of preventing such contact by reason of any natural or physical condition or because of the use of force, violence, threats, or communication of fear of death or bodily injury. N.D. Century Code Ann. § 12.1-20-06.

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An offender commits gross sexual imposition if the offender, or with his or her consent or at his or her direction, engages in sexual contact with another or submits another to sexual contact, and the victim was physically incapable of preventing such contact by reason of any natural or physical condition or because of the use of force, violence, threats, or communication of fear of death or bodily injury. N.D. Century Code Ann. § 12.1-20-06.

Yes. If the victim resists or consents to the sexual act by reason of mental or physical inability or because of the use of force or violence, or because of the perpetrator's fraudulent or deceitful representation of his or her identity or condition:

An offender commits gross sexual imposition if the offender, or with his or her consent or at his or her direction, engages in sexual contact with another or submits another to sexual contact, and the victim was physically incapable of preventing such contact by reason of any natural or physical condition or because of the use of force, violence, threats, or communication of fear of death or bodily injury. N.D. Century Code Ann. § 12.1-20-06.

Yes. If the victim resists or consents to the sexual act by reason of mental or physical inability or because of the use of force or violence, or because of the perpetrator's fraudulent or deceitful representation of his or her identity or condition:

An offender commits gross sexual imposition if the offender, or with his or her consent or at his or her direction, engages in sexual contact with another or submits another to sexual contact, and the victim was physically incapable of preventing such contact by reason of any natural or physical condition or because of the use of force, violence, threats, or communication of fear of death or bodily injury. N.D. Century Code Ann. § 12.1-20-06.

Yes. If the victim resists or consents to the sexual act by reason of mental or physical inability or because of the use of force or violence, or because of the perpetrator's fraudulent or deceitful representation of his or her identity or condition:

An offender commits gross sexual imposition if the offender, or with his or her consent or at his or her direction, engages in sexual contact with another or submits another to sexual contact, and the victim was physically incapable of preventing such contact by reason of any natural or physical condition or because of the use of force, violence, threats, or communication of fear of death or bodily injury. N.D. Century Code Ann. § 12.1-20-06.
Yes. A person is guilty of first degree "sexual assault" if he or she engages in sexual intercourse or other sexual contact with another person without that person’s knowledge or against that person’s will and does so under any of the circumstances known to the person.

Yes. Rape is an act of sexual intercourse with a complainant who is incapable of granting or revoking consent, or of giving any consent because of the effect of any drug or other means, or because of any physical or mental incapacity, and paragraph (a)(4) does not apply, or where the complainant is unconscious or for any other reason is unable to give consent to the act. Or. Rev. Stat. § 163.316.

Yes. A person is guilty of first degree sexual assault if he or she engages in sexual intercourse or other sexual contact with another person without that person’s consent, in addition to any other violation of related laws.

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Yes. It is rape in the second degree to have sexual intercourse with a person who has a mental impairment which has a negative effect on the person’s ability to know that the sexual intercourse is occurring.

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Yes. The complainant is incapable of consenting to a sexual act if they are unconscious or mentally incapacitated. Or. Rev. Stat. § 163.315.

Yes. It is rape in the second degree to have sexual intercourse with a person who is under 14 years of age. Or. Rev. Stat. § 163.316.

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Yes. Any person who performs sexual penetration, whether vaginal, anal, oral-genital, digital or instrumental, commits a felony of the second degree when the person has substantially impaired the complainant’s judgment, consciousness, or ability to resist by means of intoxicants, drugs, other means, or other reason.

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Yes. There are limitations on liability for a person (the victim) in a family relationship who is under 18 years of age or who is a mentally incapacitated or otherwise incompetent person, whether the victim is the legal custodian or otherwise in law in the care of the actor when the actor engages in sexual battery with the victim. See S.C. Code Ann. § 16-3-652(1)(c).

The victim is under the age of 16 and the victim is entrusted to the care of the actor. Vermont Stat. Ann. §13-3252(d).

The actor engages in a sexual act with a minor and the actor is at least 48 months older than the minor and the actor is in a position of trust, or had supervisory or disciplinary power or was in a family relationship with the minor. S.D. Code Ann. § 22-22-7.6.

The actor is a clergyman who causes the other person to submit to the sexual act but the actor’s behavior was not committed in a professional capacity. Texas Code Ann. §22.011(b)(6).

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Yes, an actor who engages in sexual contact with a person whom the actor knows has a mental defect or deficiency is guilty of incest. Wis. Stat. § 940.225(4).

"Mentally incapacitated" means that the actor has the purpose to have sexual contact or sexual intercourse with a person without his or her consent. Wyo. Stat. Ann. § 61-8B-5, 61-8B-8.

Yes. a person is deemed incapable of consent when such person is under confinement or supervision by or at the request or on behalf of a public or private agency or body. Wyo. Stat. Ann. §§ 6-2-301, 6-2-303.

Yes, a person who is unconscious is guilty of unlawful sexual contact in the first degree. 14 V.I.C. § 1700a.

Yes, an actor who engages in sexual contact with a person while the person is in a position of authority over the victim that the actor uses to have sexual contact or sexual intercourse with a person whom the actor knows has a mental defect or deficiency is guilty of incest. Wis. Stat. § 940.225(4).

Yes, there are special rules for persons in positions of authority over the victim and for persons committing the same unlawful conduct of the victim. 14 V.I.C. § 1700a.

Yes, actors who engage in sexual conduct with a person in positions of trust, such as school personnel, teachers, or physicians, are guilty of sexual abuse of a minor in the second degree. 14 V.I.C. § 1708.

Yes, "position of authority" includes, but is not limited to, a parent, stepparent, adoptive parent, guardian, relative, household member, teacher, coach, school administrator, religious leader, deity, relative, or substantially similar person, and a police officer or probation officer other than the actor's spouse. Wyo. Stat. Ann. § 61-8B-10.

Yes, any actor who engages in sexual contact with a person in positions of trust, such as school personnel, teachers, or physicians, are guilty of sexual abuse of a minor in the first degree. 14 V.I.C. § 1700.

No, the term "position of authority" includes, but is not limited to, a parent, stepparent, adoptive parent, guardian, relative, household member, teacher, coach, school administrator, religious leader, deity, relative, or substantially similar person, and a police officer or probation officer other than the actor's spouse. Wyo. Stat. Ann. § 61-8B-10.

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