

Sex Crimes: Definitions and Penalties

Idaho

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Rape

Question	Answer
How is it defined?	<p>The penetration, however slight, of the oral, anal or vaginal opening with a penis accomplished under any of the following circumstances:</p> <ul style="list-style-type: none"> • Where the victim is under the age of 16 years and the perpetrator is 18 years of age or older; • Where the victim is 16 or 17 years and the perpetrator is three years or more older than the victim; • Where the victim is incapable, through any unsoundness of mind, due to any cause including, but not limited to, mental illness, mental disability or developmental disability (temporary or permanent), of giving legal consent; • Where the victim is prevented from resistance due to an objectively reasonable belief that resistance would be futile or that resistance would result in force or violence beyond that necessary to accomplish the prohibited contact; • Where the victim resists but the resistance is overcome by force or violence; • Where the victim is prevented from resistance by the infliction, attempted infliction, or threatened infliction of bodily harm; or is unable to resist due to any intoxicating, narcotic, or anesthetic substance; • Where the victim is at the time unconscious of the nature of the act; • Where the victim submits under the belief that the perpetrator is the victim's spouse, and the belief is induced by artifice, pretense, or concealment practiced by the perpetrator, with intent to induce such belief; • Where the victim submits under the belief that the perpetrator is someone other than the accused, and the belief is induced by artifice, pretense, or concealment practiced by the accused, with the intent to induce such belief; or • Where the victim submits under the belief, instilled by the perpetrator, that if the victim does not submit, the perpetrator will cause physical harm to some person in the future; or cause damage to property; or engage in other conduct constituting a crime; or accuse any person of a crime or cause criminal charges to be instituted against the victim; or expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule.
What are the punishments for this crime?	<ul style="list-style-type: none"> • Rape is punishable by imprisonment in the state prison for a term not less than one year. The District Judge, at his/her discretion, may extend the imprisonment to life. • Defendant also may be ordered by the court to provide restitution to the victim for specific costs incurred by the victim as a result of injury or loss caused by the criminal act.

Anything else I should know?	<p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • “Unconscious of the nature of the act” means incapable of resisting because the victim: Was unconscious or asleep; or Was not aware, knowing, perceiving, or cognizant that the act occurred. • "Age of perpetrator" means a person who is under the age of 14 at the time of an alleged rape may not be convicted of rape absent proof beyond a reasonable doubt that he is physically able to accomplish penetration. • Males and females are both capable of committing the crime of rape.
Statutory citation(s):	<ul style="list-style-type: none"> • Idaho Code Ann. § 18-6101

Rape of Spouse

Question	Answer
How is it defined?	<p>No person shall be convicted of rape for any act or acts with that person’s spouse, unless:</p> <ul style="list-style-type: none"> • Where the victim resists but the resistance is overcome by force or violence; • Where the victim is prevented from resistance by the infliction, attempted infliction, or threatened infliction of bodily harm; or is unable to resist due to any intoxicating, narcotic, or anesthetic substance; • Where the victim is prevented from resistance due to an objectively reasonable belief that resistance would be futile or that resistance would result in force or violence beyond that necessary to accomplish the prohibited contact; or • Where the victim submits under the belief, instilled by the actor, that if the victim does not submit, the actor will cause physical harm to some person in the future; or cause damage to property; or engage in other conduct constituting a crime; or accuse any person of a crime or cause criminal charges to be instituted against the victim; or expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule.
What are the punishments for this crime?	<ul style="list-style-type: none"> • Rape is punishable by imprisonment in the state prison for a term not less than one year. The District Judge, at his/her discretion, may extend the imprisonment to life. • Defendant also may be ordered by the court to provide restitution to the victim for specific costs incurred by the victim as a result of injury or loss caused by the criminal act.
Anything else I should know?	N/A
Statutory citation(s):	<ul style="list-style-type: none"> • Idaho Code Ann. § 18-6107

Sexual Contact With a Prisoner

Question	Answer
How is it defined?	<ul style="list-style-type: none"> • Engaging in sexual contact with a prisoner or juvenile offender (not his/her spouse), whether an in-state or out-of-state prisoner/juvenile offender, by any employee of the Idaho department of correction, the Idaho department of juvenile corrections, or any officer, employee, or agent of a state, local, or private correctional facility; or • Knowingly engaging in sexual contact with any parolee or probationer (not his/her spouse), by any supervising officer.
What are the punishments for this crime?	<ul style="list-style-type: none"> • Sexual contact with a prisoner is a felony, punishable by imprisonment in the state prison for a term not to exceed life.
Anything else I should know?	<p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • "Sexual Contact": sexual intercourse, genital-genital contact, manual-anal contact, manual-genital contact, oral-genital contact, anal-genital contact or oral-anal contact, between persons of the same or opposite sex.
Statutory citation(s):	<ul style="list-style-type: none"> • Idaho Code Ann. § 18-6110

Statutory Rape

Question	Answer
How is it defined?	<p>“Statutory rape” is commonly used to refer to sexual penetration that is illegal because it involves a youth and consent is immaterial. While Idaho does not expressly penalize statutory rape, the offense of rape targets this conduct.</p> <ul style="list-style-type: none"> • Statutory rape is rape if defendant penetrates, however slight, the oral, anal or vaginal opening with a penis and: <ul style="list-style-type: none"> • The victim is under the age of 16 years and defendant is 18 years of age or older; or • The victim is 16 or 17 years and defendant is three years or more older than the victim.

What are the punishments for this crime?	<ul style="list-style-type: none"> • Rape is punishable by imprisonment in the state prison for a term not less than one year. The District Judge, at his/her discretion, may extend the imprisonment to life. • For Rape, defendant also may be ordered by the court to provide restitution to the victim for specific costs incurred by the victim as a result of injury or loss caused by the criminal act.
Anything else I should know?	<p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • See Rape for relevant definitions.
Statutory citation(s):	<ul style="list-style-type: none"> • Idaho Code Ann. § 18-6101.

Sodomy

Question	Answer
How is it defined?	<ul style="list-style-type: none"> • Idaho does not criminalize consensual sodomy. • Any state laws that outright prohibit sodomy are unconstitutional under <i>Lawrence v. Texas</i>, 539 U.S. 588 (2003).
What are the punishments for this crime?	<ul style="list-style-type: none"> • N/A
Anything else I should know?	<ul style="list-style-type: none"> • N/A
Statutory citation(s):	<ul style="list-style-type: none"> • N/A