

Sex Crimes: Definitions and Penalties Tennessee

Last Updated: April 2023

Aggravated Rape

Question	Answer
How is it defined?	<ul style="list-style-type: none">• Sexual penetration accompanied by any of the following:<ul style="list-style-type: none">• Force or coercion is used and the defendant is armed with a weapon or something the victim would reasonably believe is a weapon;• The defendant causes bodily injury to the victim;• The defendant is aided or abetted by one or more people and force or coercion is used; or• The defendant is aided or abetted by one or more people and knows or has reason to know that the victim is mentally defective, mentally incapacitated, physically helpless, or a vulnerable adult as defined in § 39-15-501, with an intellectual disability.
What are the punishments for this crime?	<ul style="list-style-type: none">• Class A Felony: 15-60 years imprisonment; maximum fine of \$50,000; community supervision for life.
Anything else I should know?	<p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none">• “Sexual penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the victim's, the defendant's, or any other person's body, but emission of semen is not required.• “Coercion” means threat of kidnapping, extortion, force or violence to be performed immediately or in the future or the use of parental, custodial, or official authority over a child less than 15 years of age.• “Mentally defective” means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct.• “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent.• “Physically helpless” means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act.• “Victim” means the person alleged to have been subjected to criminal sexual conduct and includes the spouse of the defendant.• “Vulnerable adult” means a person 18 years of age or older who, because of intellectual disability or physical dysfunction, is unable to fully manage the person's own resources, carry out all or a portion

	of the activities of daily living, or fully protect against neglect, exploitation, or hazardous or abusive situations without assistance from others.
Statutory citation(s):	•Tenn. Code Ann. §§ 39-13-502; 40-35-112

Rape

Question	Answer
How is it defined?	<ul style="list-style-type: none"> • Sexual penetration and any of the following: <ul style="list-style-type: none"> • Force or coercion is used; • The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent; • The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, physically helpless, or a vulnerable adult, as defined in Tenn. Code Ann. § 39-15-501, with an intellectual disability; or • The sexual penetration is accomplished by fraud.
What are the punishments for this crime?	<ul style="list-style-type: none"> • Class B felony: 8-30 years imprisonment; maximum fine of \$25,000; community supervision for life.
Anything else I should know?	<p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • “Sexual penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the victim's, the defendant's, or any other person's body, but emission of semen is not required. • “Coercion” means threat of kidnapping, extortion, force or violence to be performed immediately or in the future or the use of parental, custodial, or official authority over a child less than 15 years of age. • “Mentally defective” means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct. • “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent. • “Physically helpless” means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act. • “Victim” means the person alleged to have been subjected to criminal sexual conduct and includes the spouse of the defendant.

	<ul style="list-style-type: none"> • “Vulnerable adult” means a person 18 years of age or older who, because of intellectual disability or physical dysfunction, is unable to fully manage the person's own resources, carry out all or a portion of the activities of daily living, or fully protect against neglect, exploitation, or hazardous or abusive situations without assistance from others.
Statutory citation(s):	<ul style="list-style-type: none"> • Tenn. Code Ann. §§ 39-13-503; 40-35-111; 40-35-112

Aggravated Sexual Battery

Question	Answer
How is it defined?	<ul style="list-style-type: none"> • Sexual contact and any of the following: <ul style="list-style-type: none"> • Force or coercion is used and the defendant is armed with a weapon or something the victim would reasonably believe is a weapon; • The defendant causes bodily injury to the victim; • The defendant is aided or abetted by one or more people and force or coercion is used; • The defendant is aided or abetted by one or more people and knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or • The victim is less than 13 years old.
What are the punishments for this crime?	<ul style="list-style-type: none"> • Class B felony: 8-30 years imprisonment; maximum fine of \$25,000; community supervision for life.
Anything else I should know?	<p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • “Sexual contact” includes the intentional touching of the victim's, the defendant's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the victim's, the defendant's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification. • “Intimate parts” includes semen, vaginal fluid, the primary genital area, groin, inner thigh, buttock or breast of a human being. • “Coercion” means threat of kidnapping, extortion, force or violence to be performed immediately or in the future or the use of parental, custodial, or official authority over a child less than 15 years of age. • “Mentally defective” means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct. • “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent.

	<ul style="list-style-type: none"> • “Physically helpless” means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act. • “Victim” means the person alleged to have been subjected to criminal sexual conduct and includes the spouse of the defendant.
Statutory citation(s):	<ul style="list-style-type: none"> • Tenn. Code Ann. §§ 39-13-504; 40-35-112

Sexual Battery

Question	Answer
How is it defined?	<ul style="list-style-type: none"> • Sexual contact and any of the following: <ul style="list-style-type: none"> • Force or coercion is used; • The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent; • The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or • The sexual contact is accomplished by fraud.
What are the punishments for this crime?	<ul style="list-style-type: none"> • Class E felony: 1-6 years imprisonment; maximum fine of \$3,000.
Anything else I should know?	<p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • “Sexual contact” includes the intentional touching of the victim's, the defendant's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the victim's, the defendant's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification. • “Intimate parts” includes semen, vaginal fluid, the primary genital area, groin, inner thigh, buttock or breast of a human being. • As used in this section, “coercion” means the threat of kidnapping, extortion, force or violence to be performed immediately or in the future. • “Mentally defective” means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct. • “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent.

	<ul style="list-style-type: none"> • “Physically helpless” means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act. • “Victim” means the person alleged to have been subjected to criminal sexual conduct and includes the spouse of the defendant.
Statutory citation(s):	• Tenn. Code Ann. §§ 39-13-505; 40-35-112

Statutory Rape

Question	Answer
How is it defined?	<ul style="list-style-type: none"> • Rape of a child is sexual penetration if the victim is 9-12 years old. • Aggravated rape of a child is sexual penetration if the victim is 8 years old or under. • Mitigated statutory rape is sexual penetration when the victim is 15-17 years old and the defendant is at least 4 years but not more than 5 years older than the victim. • Statutory rape is sexual penetration when: <ul style="list-style-type: none"> • The victim is 13-14 years old and the defendant is 4-9 years older than the victim; or • The victim is 15-17 years old and the defendant is 5-9 years older than the victim. • Aggravated statutory rape is sexual penetration when the victim is 13-17 years old and the defendant is at least 10 years older than the victim. • Aggravated sexual battery is unlawful sexual contact and any of the following: <ul style="list-style-type: none"> • Force or coercion is used and the defendant is armed with a weapon or something the victim would reasonably believe is a weapon; • The defendant causes bodily injury to the victim; • The defendant is aided or abetted by one or more people and force or coercion is used; • The defendant is aided or abetted by one or more people and knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or • The victim is less than 13 years old. • Sexual contact with a minor by an authority figure is when a defendant intentionally touches or kisses a minor’s lips with the defendant’s lips for the purpose of sexual arousal or gratification, and the victim is less than 18 years old, the defendant is at least 4 years older than the victim, and the defendant was in a position of trust or had a supervisory or disciplinary power over the minor by virtue of the defendant’s legal, professional, or occupational status or the defendant had parental or custodial authority over the minor and used such authority to accomplish the sexual contact. • Sexual battery by an authority figure is when an authority figure has sexual contact with a victim and any of the following: <ul style="list-style-type: none"> • The victim is 13-17 years old and the defendant was in a position of trust or had a supervisory or

	<p>disciplinary power over the minor by virtue of the defendant's legal, professional, or occupational status and used the position to accomplish the sexual act or the defendant had parental or custodial authority over the minor and used the authority to accomplish the sexual act; or</p> <ul style="list-style-type: none"> • The victim was mentally defective, mentally incapacitated, or physically helpless regardless of age and the defendant was in a position of trust or had a supervisory or disciplinary power over the minor by virtue of the defendant's legal, professional, or occupational status and used the position to accomplish the sexual act or the defendant had parental or custodial authority over the minor and used the authority to accomplish the sexual act. <ul style="list-style-type: none"> • Statutory rape by an authority figure is unlawful sexual penetration and: <ul style="list-style-type: none"> • The victim is 13-17 years old; and • The defendant is at least 4 years older than the victim; and • The defendant was in a position of trust, had a supervisory or disciplinary power over the minor, or had parental or custodial authority by virtue of the defendant's legal, professional, or occupational status and used the position to accomplish the sexual act over the minor and used the authority to accomplish the sexual act.
<p>What are the punishments for this crime?</p>	<ul style="list-style-type: none"> • Rape of a child: Class A Felony, Range II-III, 25-60 years imprisonment; maximum fine of \$50,000; community supervision for life. • Aggravated rape of a child: Class A Felony, imprisonment for life without the possibility of parole. • Mitigated statutory rape: Class E Felony, 1-6 years imprisonment; maximum fine of \$3,000. • Statutory rape: Class E Felony, 1-6 years imprisonment; maximum fine of \$3,000; possible requirement to register as sex offender • Aggravated statutory rape: Class D Felony, 2-12 years imprisonment; maximum fine of \$5,000. • Aggravated sexual battery: Class B Felony, 8-30 years imprisonment; maximum fine of \$25,000; community supervision for life. • Sexual contact by an authority figure: Class A misdemeanor, maximum 11 months 29 days imprisonment; mandatory minimum fine of \$1,000; maximum fine of \$2,500. • Sexual battery by an authority figure: Class C Felony, 3-15 years imprisonment; maximum fine of \$10,000. • Statutory rape by an authority figure: Class B Felony, 8-30 years imprisonment; maximum fine of \$25,000; no eligibility for probation pursuant to § 40-35-303 or judicial diversion pursuant to § 40-35-313.
<p>Anything else I should know?</p>	<p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • “Sexual penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the victim's, the defendant's, or any other person's body, but emission of semen is not required. • “Sexual contact” includes the intentional touching of the victim's, the defendant's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the victim's, the defendant's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification. • “Mentally defective” means that a person suffers from a mental disease or defect which renders that

	<p>person temporarily or permanently incapable of appraising the nature of the person's conduct.</p> <ul style="list-style-type: none"> • “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent. • “Physically helpless” means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act.
Statutory citation(s):	<ul style="list-style-type: none"> • Tenn. Code Ann. §§ 39-13-506, 39-13-504, 39-13-509, 39-13-522, 39-13-524, 39-13-527, 39-13-531, 39-13-532

Sodomy

Question	Answer
How is it defined?	<ul style="list-style-type: none"> • Tennessee does not prohibit sodomy. Anal sex is included in the definition of “sexual penetration”. • 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?	<p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • “Sexual penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the victim's, the defendant's, or any other person's body, but emission of semen is not required.
Statutory citation(s):	<ul style="list-style-type: none"> • N/A