

Statutory Rape

Connecticut law says that there are some situations where having sex or sexual contact is illegal, even though both people agree to it. Here are some of the most common ways statutory rape can happen:

Younger Person	Older Person	Penetration or Touching?	Punishment
Under 13	More than 2 years older	Touching	Felony: 1-5 year sentence
Under 13	More than 2 years older	Penetration	Felony: 10 - 25 year sentence, No parole for 2 years, Sex offender registration
13 or 14	More than 3 years older	Touching	Felony: 1-5 year sentence
13, 14, 15	More than 3 years older	Penetration	Felony: 1-20 year sentence, No parole for 9 months, Possible sex offender registration

Also, in some cases when an older person has a position of power or influence over a person under 18, sex or sexual contact between those two people can be statutory rape. Examples of this would be sex between someone under 18 and his/her guardian, probation officer or employer. **This chart does not include all examples of statutory rape.** Scroll past the end of this brochure pdf to see the complete Connecticut General Statutes on sexual assault.

What is statutory rape?

Statutory rape is a crime.

The crime is called sexual assault.

In Connecticut, the law says that there are some situations where having sex or sexual contact is illegal, even though both people agree to it.

Where can I get help?

Statutory rape is a crime called sexual assault. In Connecticut, the law says that there are some situations where having sex or sexual contact is illegal, even though both people agree to it.

If you have questions about your legal rights, call CCA's Teen Legal Advocacy Clinic at (860)570-5327 or (203)223-8975.



Center for Children's Advocacy
65 Elizabeth Street, Hartford, CT 06105
www.kidscounsel.org

I am 14 and my boyfriend is 17.

Is that illegal?

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What is statutory rape?

Statutory rape is a crime called sexual assault. In Connecticut, the law says that there are some situations where having sex or sexual contact is illegal, even though both people agree to it. The chart on the back of this pamphlet shows some of the ways that statutory rape can happen.

This brochure does not include all examples of statutory rape. Scroll past the end of this brochure pdf to see the complete Connecticut General Statutes on sexual assault.



What counts as “sex” for statutory rape?

Any penetration counts as sex. That means oral, anal, and vaginal penetration all count as having sex under the statutory rape law. Penetration can be with fingers or another object.

What does sexual contact mean? What if we’re just touching?

Sexual contact is any touching of the private parts, even if there is no penetration. See the chart on the back of this brochure for some examples of when this is illegal.

What’s the difference between rape and statutory rape?

Forcible rape is a crime where someone is forced to have sex when that person doesn’t want to. Usually, it is called “rape.” Statutory rape is *consensual*, meaning that both people want to have sex and there is no force or violence involved. Both are illegal.

If I am 14 and my boyfriend is 18 and we have sex, is he committing statutory rape?

Yes, because he is more than 3 years older than you.

What if I am 14 and my boyfriend is 17?

It depends on when your birthdays are. The older person only needs to be three years older by one day to commit the crime.

Can the younger person get arrested for statutory rape?

No. Statutory rape is a crime committed by an older person who has sex or sexual contact with a younger person.

I am 18 and the girl I had sex with told me she was 16, but it turned out she was 14. Did I commit statutory rape, even though I thought she was old enough?

Yes. The law does not allow you to defend yourself by saying you thought she was older.

There are also situations where age does not matter.

Any sexual contact between you and your coach, or between you and someone who works at a school in your district, is illegal.

Can a girl commit statutory rape on a boy?

Yes.

Is it statutory rape if I am gay or lesbian?

Yes. The same laws apply to same-sex relationships.

How does statutory rape ever get reported?

Even if both people are having sex because they want to, there are a few ways that statutory rape can get reported to the police:

- A parent or other adult may learn of the relationship and report it.
- The people may break up, and then the younger person could report it.
- A school social worker, teacher, nurse or doctor may learn about the relationship and report it.
- The girl in the relationship may become pregnant, and hospital workers could report the relationship if they know the father’s age.
- The girl may have a child and apply for cash assistance to help support the child. She will be required to give information about the father.

**Connecticut General Statutes
Sexual Assault**

53a-70. Sexual assault in the first degree: Class B or A felony

(a) A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

(b) (1) Except as provided in subdivision (2) of this subsection, sexual assault in the first degree is a class B felony for which two years of the sentence imposed may not be suspended or reduced by the court or, if the victim of the offense is under ten years of age, for which ten years of the sentence imposed may not be suspended or reduced by the court.

(2) Sexual assault in the first degree is a class A felony if the offense is a violation of subdivision (1) of subsection (a) of this section and the victim of the offense is under sixteen years of age or the offense is a violation of subdivision (2) of subsection (a) of this section. Any person found guilty under said subdivision (1) or (2) shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court if the victim is under ten years of age or of which five years of the sentence imposed may not be suspended or reduced by the court if the victim is under sixteen years of age.

(3) Any person found guilty under this section shall be sentenced to a term of imprisonment and a period of special parole pursuant to subsection (b) of section 53a-28 which together constitute a sentence of at least ten years.

53a-71. Sexual assault in the second degree: Class C or B felony

(a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is mentally defective to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age.

(b) Sexual assault in the second degree is a class C felony or, if the victim of the offense is under sixteen years of age, a class B felony, and any person found guilty under this section shall be sentenced to a term of imprisonment of which nine months of the sentence imposed may not be suspended or reduced by the court.

53a-72a. Sexual assault in the third degree: Class D or C felony

(a) A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.

(b) Sexual assault in the third degree is a class D felony or, if the victim of the offense is under sixteen years of age, a class C felony.

53a-73a. Sexual assault in the fourth degree: Class A misdemeanor or class D felony

(a) A person is guilty of sexual assault in the fourth degree when: (1) Such person intentionally subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) mentally defective or mentally incapacitated to the extent that such other person is unable to consent to such sexual contact, or (D) physically helpless, or (E) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (F) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (8) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age.