

# Definitions of Sexual Based Offenses

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### Sexual abuse in the first degree:

- A person commits the crime of sexual abuse in the first degree if:
  - He subjects another person to sexual contact by forcible compulsion; or
  - He subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated.
- Sexual abuse in the first degree is a Class C felony (Alabama Code 13A-6-66).

### Sexual abuse in the second degree:

- A person commits the crime of sexual abuse in the second degree if:
  - He subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or
  - He, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.
- Sexual abuse in second degree is a Class A misdemeanor, except that if a person commits a second or subsequent offense of sexual abuse in the second degree within one year of another sexual offense, the offense is a Class C felony (Alabama Code 13A-6-67).

### Rape in the first degree:

- A person commits the crime of rape in the first degree if:
  - He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or
  - He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated; or
  - He or she, being 16 years or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old.
- Rape in the first degree is a Class A felony (Alabama Code 13A-6-61).

### Rape in the second degree:

- A person commits the crime of rape in the second degree if:
  - Being 16 years old or older, he or she engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least two years older than the member of the opposite sex.
  - He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective.
- Rape in the second degree is a Class B felony (Alabama Code 13A-6-62).

### Sodomy in the first degree:

- A person commits the crime of sodomy in the first degree if:
  - He engages in deviate sexual intercourse with another person by forcible compulsion; or
  - He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated; or
  - He, being 16 years old or older, engages in deviate sexual intercourse with a person who is less than 12 years old.
- Sodomy in the first degree is a Class A felony (Alabama Code 13A-6-63).

### Sodomy in the second degree:

- A person commits the crime of sodomy in the second degree if:
  - He, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 and more than 12 years old.
  - He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective.
- Sodomy in the second degree is a Class B felony (Alabama Code 13A-6-64).

### Domestic Violence:

- Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction (34 U.S.C.12291(a)(8)).

- In Alabama, domestic violence includes felony and misdemeanor crimes of violence committed by a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant (Alabama Code Section 13A, Article 7 Domestic Violence in 1st, 2nd, and 3rd Degrees).

#### **Dating Violence:**

- Means violence committed by a person –
  - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - Where the existence of such a relationship will be determined based on a consideration of the following factors:
    - The length of the relationship,
    - The type of relationship,
    - The frequency of interaction between the persons involved in the relationship (34 U.S.C.12291(a) (10).
- In Alabama, dating violence is covered under Alabama Code Section 13A, Article 7 Domestic Violence in 1st, 2nd, and 3rd Degrees.

#### **Stalking:**

- Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress 34 U.S.C.12291(a)(30).
- In Alabama, stalking is when a person intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm (13A-6-90 Stalking in the first degree) or a person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct (Section 13A-6-91 Stalking in the second degree).

#### **Sexual assault:**

- Means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting systems of the Federal Bureau of Investigation 20 U.S.C.1092 (f)(6)(A)(v).