

<b><u>18 USC § 2241 et seq.</u></b>	<b><u>DC Code 3001 et seq.</u></b>	<b><u>Article 120 (pre-2007)</u></b>	<b><u>Article 120 (2007)</u></b>	<b><u>Article 120 (2012)</u></b>
<b>Aggravated Sexual Abuse (Life)</b>	<b>1<sup>st</sup> Degree Sexual Abuse (Life)</b>	<b>Rape (Life)</b>	<b>Rape (Life)</b>	<b>Rape (Life)</b>
Sexual act	Sexual act	Sexual intercourse	Sexual Act	Sexual Act
Force;  Threat or fear (death, serious bodily injury, or kidnapping);  Renders unconscious;  Administers by force or threat of force, or without the knowledge or permission, a drug, intoxicant, or other similar substance and thereby substantially impairs the ability of that other person to appraise or control conduct.	Force;  Threat or fear (death, bodily injury, or kidnapping);  Renders unconscious;  Administers by force or threat of force, or without the knowledge or permission, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.	Force and Without consent.  *However, see definitions of force and consent (i.e., mental faculties, threats of harm, fraud, and ability to resist).	Force;  Causing GBH;  Threat or fear (death, grievous bodily harm, or kidnapping);  Renders unconscious;  Administering by force or threat of force, or without the knowledge or permission, a drug, intoxicant, or other similar substance and thereby substantially impairs the ability to appraise or control conduct.	Unlawful force;  Force (death/GBH);  Threat or fear (death, GBH, or kidnapping);  Renders unconscious;  Administers by force or threat of force, or without the knowledge or consent, a drug, intoxicant, or other similar substance and thereby substantially impairs the ability to appraise or control conduct.

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<b>Sexual Abuse (Life)</b>	<b>2<sup>nd</sup> Degree Sexual Abuse (20 years)</b>		<b>Aggravated Sexual Assault (30 years)</b>	<b>Sexual Assault (30 years)</b>
Sexual Act	Sexual Act		Sexual Act	Sexual Act
Threat or fear (other than death, serious bodily injury, or kidnapping);	Threat or fear (other than death, bodily injury, or kidnapping);		Threat or fear (other than threat or fear of death, grievous bodily harm, or kidnapping);	Threatening or placing that other person in fear;
			Causing bodily harm;	Causing bodily harm;
				Fraudulent representation;
				Inducing a belief by any artifice, pretense, or concealment that the person is another person;
Incapable of appraising the nature of the conduct or physically incapable of declining participation or communicating unwillingness.	Knows or has reason to know that the other person is incapable of appraising the nature of the conduct, declining participation in that sexual act, or communicating unwillingness to engage in that sexual act.		Substantially incapacitated or substantially incapable of appraising the nature, declining participation, or communicating unwillingness.	Knows/reasonably should know asleep, unconscious, or otherwise unaware;
				Incapable of consent due to impairment by any drug, intoxicant, or other similar substance, or a mental disease or defect, or physical disability and condition is known/reasonably should be known.

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<b>Abusive Sexual Contact (10 years)</b>	<b>3<sup>rd</sup> Degree Sexual Abuse (10 years)</b>		<b>Aggravated Sexual Contact (20 years)</b>	<b>Aggravated Sexual Contact (20 years)</b>
Sexual Contact	Sexual Contact		Sexual Contact	Sexual Contact
Same as Aggravated Sexual Abuse	Same as 1 <sup>st</sup> Degree Sexual Abuse		Same as Rape	Same as Rape
<b>Abusive Sexual Contact (3 years)</b>	<b>4<sup>th</sup> Degree Sexual Abuse (5 years)</b>	<b>Indecent Assault (Art 134) (5 years)</b>	<b>Abusive Sexual Contact (7 years)</b>	<b>Abusive sexual Contact (7 years)</b>
Sexual Contact	Sexual Contact	Assault on non-spouse	Sexual Contact	Sexual Contact
Same as Sexual Abuse	Same as 2 <sup>nd</sup> Degree Sexual Abuse	Intent to gratify the lust or sexual desires of the accused (plus terminal element).	Same as Aggravated Sexual Assault	Same as Sexual Assault
		<b>Indecent Act (Art 134) (5 years)</b>	<b>Indecent Act (Art 120) (5 years)</b>	
		Wrongful Act	Conduct	
		Indecent (plus terminal element)	Indecent	
			<b>Wrongful Sexual Contact (1 year)</b>	
			Sexual Contact	
			Without permission and without legal justification or lawful authorization	

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<b>Significant Definitions</b>				
<p><b>Sexual Act:</b></p> <p>Contact between the penis and the vulva or the penis and the anus (penetration, however slight);</p> <p>Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;</p> <p>Penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.</p>	<p><b>Sexual Act:</b></p> <p>The penetration, however slight, of the anus or vulva of another by a penis;</p> <p>Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;</p> <p>The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.</p>	<p><b>Sexual Intercourse:</b></p> <p>Penetration of the vulva by the penis.</p>	<p><b>Sexual Act:</b></p> <p>Contact between the penis and the vulva (penetration, however slight)</p> <p>Penetration, however slight, of the genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.</p>	<p><b>Sexual Act:</b></p> <p>Contact between the penis and the vulva or anus or mouth (penetration, however slight);</p> <p>Penetration, however slight, of the vulva or anus or mouth of another by any part of the body or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.</p>

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<p><b>Sexual Contact:</b></p> <p>Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;</p>	<p><b>Sexual Contact:</b></p> <p>Touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.</p>		<p><b>Sexual Contact:</b></p> <p>Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person...with an intent to abuse, humiliate, or degrade any person or to arouse or gratify the sexual desire of any person.</p>	<p><b>Sexual Contact:</b></p> <p>Touching...either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person; or</p> <p>Touching...either directly or through the clothing, any body part of any person with an intent to arouse or gratify the sexual desire of any person.</p>

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<p><b>Force:</b></p> <p>(Common law definition): sufficient to overcome, restrain, or injure; restraint sufficient to prevent escape.</p>	<p><b>Force:</b></p> <p>The use or threatened use of a weapon;</p> <p>The use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or</p> <p>The use of a threat of harm sufficient to coerce or compel submission by the victim.</p>	<p><b>Force:</b></p> <p>Resistance is overcome by threats of death or great bodily harm, or</p> <p>Victim is unable to resist because of the lack of mental or physical faculties.</p>	<p><b>Force:</b></p> <p>Action to compel submission of another or to overcome or prevent another's resistance by:</p> <p>the use or display of a dangerous weapon or object;</p> <p>the suggestion of possession of a dangerous weapon or object that is used in a manner to cause another to believe it is a dangerous weapon or object; or</p> <p>physical violence, strength, power, or restraint applied to another person, sufficient that the other person could not avoid or escape the sexual conduct.</p>	<p><b>Force:</b></p> <p>The use of a weapon;</p> <p>The use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or</p> <p>Inflicting physical harm sufficient to coerce or compel submission by the victim.</p>

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<p><b>Consent:</b></p> <p>No definition listed.</p>	<p><b>Consent:</b></p> <p>Words or overt actions indicating a freely given agreement to the sexual act or contact in question.</p> <p>Lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats, or coercion by the defendant shall not constitute consent.</p>	<p><b>Force and lack of consent:</b></p> <p>If the victim consents to the act, it is not rape.</p> <p>More than mere lack of acquiescence. If a victim in possession of his or her mental faculties fails to make lack of consent reasonably manifest by taking such measures of resistance as are called for by the circumstances, the inference may be drawn that the victim did consent.</p> <p>Consent may not be inferred if resistance would have been futile, resistance is overcome by threats of death or GBH, or where unable to resist because of the lack of mental or physical faculties. No consent and the force involved in penetration will suffice.</p> <p>If there is actual consent, although obtained by fraud, the act is not rape, but if to the accused's knowledge the victim is of unsound mind or unconscious to an extent rendering him or her incapable of giving consent, the act is rape.</p>	<p><b>Consent:</b></p> <p>Words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person.</p> <p>An expression of lack of consent through words or conduct means there is no consent.</p> <p>Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent.</p> <p>A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent.</p> <p>Cannot consent if under 16 or substantially incapable of: appraising the nature of the sexual conduct due to mental impairment or unconsciousness; or mental disease or defect that renders the person unable to understand the nature of the sexual conduct at issue; physically declining participation in the sexual conduct at issue; or physically communicating unwillingness to engage in the sexual conduct at issue.</p>	<p><b>Consent:</b></p> <p>A freely given agreement to the conduct at issue by a competent person.</p> <p>An expression of lack of consent through words or conduct means there is no consent.</p> <p>Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent.</p> <p>A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.</p> <p>Cannot consent if: sleeping, unconscious, or incompetent; force causing or likely to cause death or GBH or rendered unconscious; threat or fear.</p> <p>Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person's actions.</p>