

# SEXUAL ABUSE DEFINITIONS

Sexually explicit conduct is the employment, use, persuasion, inducement, enticement or coercion of any child to engage in or assist in any sexually explicit conduct, not just for the purposes of visual depiction.

Sexually explicit conduct for visual depiction is any simulation of any sexually explicit conduct for the purpose of producing any visual depiction, including photographing, videotaping, computer depicting or filming, of any sexually explicit conduct.

Exploitation is any of the following:

- Looking at the sexual or other intimate parts of a child for the purpose of arousing or gratifying sexual desire in either person.
- Engaging or encouraging a child to look at the sexual or other intimate parts of another person for the purpose of arousing or gratifying sexual desire in any person involved.
- Engaging or encouraging a child to participate in any sexually explicit conversation either in person, by telephone, by computer or computer aided device.

Deviate Sexual Intercourse is sexual intercourse by mouth or rectum between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or rectum of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

Forcible compulsion is the use of physical, intellectual, moral, emotional or psychological force, either expressed or implied which compels a child to engage in an act as defined in the Crimes Code. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.

Foreign object is any physical object not a part of the alleged perpetrator's body.

Indecent contact is any touching of the sexual or intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person.

## SEXUAL ABUSE DEFINITIONS (continued)

Sexual Intercourse is intercourse by mouth or rectum, as well as penile/vaginal intercourse, with any penetration, however slight.

Rape is engaging in sexual intercourse with a child:

1. By forcible compulsion;
2. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
3. Who is unconscious or where the perpetrator knows that the child is unaware that the sexual intercourse is occurring;
4. Where the alleged perpetrator has substantially impaired the child's power to appraise or control his or her conduct by administering or employing, without the knowledge of the child, drugs, intoxicants or other means for the purpose of preventing resistance;
5. Who suffers from a mental disability which renders the child incapable of consent; or
6. Who is less than 13 years of age.

Statutory Sexual Assault is engaging in sexual intercourse with a child under the age of 16 years and the alleged perpetrator is four or more years older than the child and the child and the alleged perpetrator are not married to each other.

Involuntary deviate sexual intercourse is engaging in deviate sexual intercourse with a child:

1. By forcible compulsion; or
2. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
3. The child is unconscious or the alleged perpetrator knows that the child is unaware the indecent contact is occurring;
4. The alleged perpetrator has substantially impaired the child's power to appraise or control his or her conduct by administering or employing, without the knowledge of the child, drugs, intoxicants, or other means for the purpose of preventing resistance;

## SEXUAL ABUSE DEFINITIONS (continued)

5. The child suffers from a mental disability which renders him or her incapable of consent;
6. The child is less than 13 years of age;
7. The child is less than 16 years of age and the perpetrator is four or more years older than the child and they are not married to each other.

Sexual Assault is engaging in sexual intercourse or deviate sexual intercourse with a child without the child's consent.

Aggravated indecent assault is engaging in penetration, however slight, of the genitals or rectum of a child with a part of the perpetrator's body for any purpose other than good faith medical, hygienic or law enforcement procedures:

1. Without the child's consent;
2. By forcible compulsion;
3. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
4. The child is unconscious or the alleged perpetrator knows that the child is unaware that the penetration is occurring;
5. The alleged perpetrator has substantially impaired the child's power to appraise or control his or her conduct by administering or employing, without the knowledge of the child, drugs, intoxicants or other means for the purpose of preventing resistance;
6. The child suffers from a mental disability which renders him or her incapable of consent;
7. The child is less than 13 years of age; or
8. The child is less than 16 years of age and the alleged perpetrator is four or more years older than the child and they are not married to each other.

Indecent assault is indecent contact with a child or causing the child to have indecent contact with the perpetrator:

1. Without the child's consent;
2. By forcible compulsion;

## SEXUAL ABUSE DEFINITIONS (continued)

3. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
4. The child is unconscious or the alleged perpetrator knows that the child is unaware the indecent contact is occurring;
5. The alleged perpetrator has substantially impaired the child's power to appraise or control his or her conduct by administering or employing, without the knowledge of the child, drugs, intoxicants, or other means for the purpose of preventing resistance;
6. The child suffers from a mental disability which renders him or her incapable of consent;
7. The child is less than 13 years of age; or
8. The child is less than 16 years of age and the alleged perpetrator is four or more years older than the child and they are not married to each other.

Indecent exposure is exposing of the genitals in any public place where there are other persons under circumstances that the alleged perpetrator knows or should know that this conduct is likely to offend, affront or alarm.

Incest is an alleged perpetrator who knowingly marries, cohabits or has sexual intercourse with an ancestor, descendent, a brother or sister of the whole or half blood, or an uncle, aunt, nephew or niece of the whole blood. The relationships referred to include blood relationships without regard to legitimacy, and relationship of parent and child by adoption.

Prostitution: Any person who is an inmate of a house of prostitution or otherwise engaging in sexual activity as a business; or loitering in or within view of any public place for the purpose of being hired to engage in sexual activity.

### Definitions:

- A. House of prostitution: Any place where prostitution or promotion of prostitution is regularly carried on by one person under control, management or supervision of another.
- B. Inmate: A person who engages in prostitution in or through the agency of a house of prostitution.

## SEXUAL ABUSE DEFINITIONS (continued)

- C. Public Place: Any place to which the public or any substantial group thereof has access.
- D. Sexual Activity: Includes homosexual and other deviate sexual relations.

Promoting Prostitution: The following acts shall, without limitation of the foregoing, constitute promoting prostitution:

- A. Owning, controlling, managing, supervising, or otherwise keeping alone or in association with others, a house of prostitution or a prostitution business;
- B. Procuring an inmate for a house of prostitution or a place in a house of prostitution for one who would be an inmate;
- C. Encouraging, inducing, or otherwise intentionally causing another to become or remain a prostitute;
- D. Soliciting a person to patronize a prostitute;
- E. Procuring a prostitute for a patron;
- F. Transporting a person into or within this Commonwealth with intent to promote the engaging in prostitution by that person, or procuring or paying for transportation with that intent;
- G. Leasing or otherwise permitting a place controlled by the actor alone or in association with others, to be regularly used for prostitution or the promotion of prostitution, or failure to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities or other legally available means; or
- H. Soliciting, receiving, or agreeing to receive any benefit for doing or agreeing to do anything forbidden by this subsection.