

Conflicts between State Marriage Age and Age-Based Sex Offenses

VAWA 2022 § 1204(c) Report to Congress



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Introduction

The Violence Against Women Act Reauthorization Act of 2022 (VAWA), Pub. L. No. 117-103, Div. W, tit. XII, § 1204(c), 136 Stat. 49, 927 (2022) requires the United States Attorney General to report annually on inconsistencies between states' marriage age and age-based sex offenses. Particularly, it requires the Attorney General to report on (1) the states that provide an exception to definitions of age-based sex offenses or a defense to prosecution for such offenses, based on the marriage of the perpetrator to the victim;¹ and (2) states that allow marriage between two parties at ages, or with age differences between them, such that sexual acts² between those parties would constitute an age-based sex offense.

Laws in this area are rapidly evolving. Some states have pending legislation to update their marriage age and age-based sex offense laws. Other states have updated their laws to provide greater protection for victims of sex offenses but have left other laws unchanged, resulting in inconsistencies in those states' criminal codes. This Report surveys laws in the 50 states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands (hereinafter "the states" or "the jurisdictions"). It compiles data on the age of legal consent in each jurisdiction, including whether the age of consent is different based on the relationship between the parties or subject to an exception where the parties are close in age. It also compiles data on the marriage age in each state, including whether an individual can marry at a younger age, conditioned on judicial approval or consent of a parent or guardian, or other conditions. The Report then compares the ages of legal consent and the marriage ages to determine whether that jurisdiction permits a person to marry at an age where voluntary sexual acts between the married parties would otherwise be a crime absent the marriage. It considers whether there is a marital defense or exception to age-based sex offense laws and assesses the legal consistency of such laws with the state's minimum marriage age.

The table at the end of this Report includes the relevant data and statutory citations for each jurisdiction.

Age of Legal Consent

The "age of consent" is the age that jurisdictions have deemed a minor able to legally consent to sexual acts. Individuals younger than the "age of consent" are deemed, by statute, to lack the ability to legally consent. Such statutes are sometimes called "statutory rape" laws. In most jurisdictions, the "age of consent" is contingent on the relationship between the parties or the age difference between the parties. Only a few jurisdictions have a flat age of consent not subject to exceptions or relationships between the parties. Several jurisdictions also have exceptions for "consenting minors," commonly termed "close-in-age" exceptions or "Romeo and Juliet" exceptions. Given the various exceptions and contingencies, the age of consent varies widely by jurisdiction.

As set forth below, the majority of jurisdictions (35) sets 16 as the age of consent. Fourteen jurisdictions have higher ages of consent (six jurisdictions set the age at 17, and seven jurisdictions set the age at 18), while one state (Iowa) sets the age of consent at 14. Eight other jurisdictions determine the age of consent based on the age difference between the two parties.

14 years old. Iowa has an age of consent of 14.

16 years old. Thirty-five jurisdictions (Alabama, Alaska, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Hawaii, Indiana, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Washington, West Virginia, Wisconsin, Guam, Northern Mariana Islands, and Puerto Rico) have an age of consent of 16.

17 years old. Six jurisdictions (Colorado, Illinois, New York, Texas, Wyoming, and American Samoa) have an age of consent of 17.

18 years old. Seven jurisdictions (Arizona, California, Oregon, Tennessee, Utah, Virginia, and the U.S. Virgin Islands) have an age of consent of 18.

Age of Consent Based on Age of Parties. In eight jurisdictions (Florida, Idaho, Louisiana, Massachusetts, Mississippi, Missouri, Nevada, North Dakota), the age of consent itself varies based on the age difference between the parties. (For example, in Idaho, “statutory rape” is any penetration where the victim is younger than 16 years old and the perpetrator is at least 18 years old, or where the victim is 16 or 17 years of age, and the defendant is at least 3 years older than the victim; “Lewd contact with a child” under the age of 16 is automatically a crime regardless of the perpetrator’s age.) Thus, these statutes are slightly different than those that are subject to a typical close-in-age exception in which sexual acts between two parties close in age do not meet the statutory elements of the age-based sex offense.

Age of Consent Based on Special Relationship or Position of Authority

In 46 jurisdictions (Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Washington, West Virginia, Wisconsin, Wyoming, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin

Islands), there are criminal statutes that make it unlawful for a person in a position of authority or in a special relationship to engage in sexual acts with someone in their care or custody.

Most jurisdictions that have these criminal statutes focus either on whether the perpetrator is in a “position of authority” or “position of trust” relative to the victim or has a “special relationship” with the victim. Each jurisdiction defines these terms slightly differently, but the common theme is protecting minors from those who occupy positions of power or influence over them and who may exploit that power to coerce minors into submitting to sexual acts. These jurisdictions have therefore determined that, as of a matter of law, individuals cannot consent to sexual acts with those who occupy a position of authority over them. Often, the statutes define positions of authority, to include school employees, coaches, and parents or guardians, including foster parents; sometimes, the position is not explicitly defined. For example, in Illinois, the age of consent is 18 if the perpetrator is 17 or older and “holds a position of trust, authority, or supervision in relation to the victim.” However, Illinois does not define “position of trust, authority, or supervision.” Similarly, Hawaii’s statute sets the age of consent at 18 where the perpetrator is “acting in a professional capacity to instruct, advise, or supervise” the victim, yet the statute does not define those terms. New Mexico defines “position of authority” as “that position occupied by a parent, relative, household member, teacher, employer or other person who, by reason of that position, is able to exercise undue influence over a child[.]” Minnesota defines “position of authority” as including but not limited to “any person who is a parent or acting in the place of a parent and charged with or assumes any of a parent’s rights, duties, or responsibilities to a child, or a person who is charged with or assumes any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of or within 120 days immediately preceding the act.”

Of the 46 jurisdictions that impose a higher age of consent based on a position of authority or special relationship, 16 (Arkansas, Connecticut, Georgia, Iowa, Kansas, Louisiana, Maryland, Missouri, Montana, Nebraska, North Carolina, Pennsylvania, South Carolina, Texas, Washington, and West Virginia) are explicitly based on special relationships where the victim is enrolled in kindergarten through 12th grade in a school district in which the perpetrator is employed. However, even then, there are variations among jurisdictions. In 12 (Arkansas, Connecticut, Georgia, Iowa, Kansas, Missouri, Montana, North Carolina, Pennsylvania, South Carolina, Texas, and West Virginia), there is no cap on the age at which a special relationship prohibits the two parties from engaging in otherwise voluntary sexual acts (e.g., the student does not have to be a minor). Maryland’s special relationship statute provides that only a minor student in K-12 cannot legally consent. Nebraska’s age-based sex offense statutes cover a K-12 student up to age 19, while Louisiana and Washington’s statutes cover a K-12 student up to age 21.

Ten jurisdictions (California, Florida, Idaho, Massachusetts, Oregon, Tennessee, Utah, Virginia, American Samoa, and Guam) have no difference in the age of consent based on special

relationships (either the age of consent is the same, or the statutes say nothing about special relationships).

Close-in-Age Exceptions and Defenses

In most jurisdictions, the legal age of consent is subject to a “close-in-age” exception for minors who voluntarily engage in sexual acts. Close-in-age exceptions exempt individuals who would otherwise be automatically criminally culpable for engaging in sexual acts with minors younger than the legal age of consent. There is wide variation on the age difference permissible for sexual acts between the two parties. Forty-three jurisdictions (Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, Northern Mariana Islands, and U.S. Virgin Islands) have this exception or defense in some form. In Oklahoma and Wisconsin, the age of consent is only subject to a close-in age exception for special relationships.

Eleven jurisdictions (California, Georgia, Kansas, Massachusetts, Michigan, Montana, New York, North Dakota, American Samoa, Guam, and Puerto Rico) do not have a close-in-age exception. Some, however, impose lesser penalties where the parties are close in age.

Marital Exceptions and Defenses

The majority of jurisdictions has marital exceptions or defenses to the age-based sex offense laws to decriminalize voluntary sexual acts between married parties.

Exception or defense. Thirty-six jurisdictions (Alaska, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nevada, New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, Northern Mariana Islands, and the U.S. Virgin Islands) either permit a defendant to raise marriage as a defense to violating an age-based sex offense statute or have an exception contained within the statutory language.

Of those, 26 jurisdictions (Arkansas, California, Colorado, Delaware, Georgia, Hawaii, Idaho, Iowa, Kentucky, Louisiana, Maine, Michigan, Mississippi, Montana, Nevada, New Mexico, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, Virginia, West Virginia, and Wisconsin) have exceptions to their statutes. These exceptions decriminalize voluntary sexual acts between spouses that would otherwise constitute age-based sex offenses. Six jurisdictions (Alaska, District of Columbia, Missouri, Texas, Northern Mariana Islands, and the

U.S. Virgin Islands) permit marriage as a defense. One state (Georgia) only permits a defense or exception to be used in some circumstances. One state (Wyoming) generally prohibits marriage as a defense but implies there may be a defense in certain cases where the defendant is a school employee or volunteer and at least four years older than the victim. Two states (Kansas and New York) permit marriage to be raised as both an exception and a defense.

No exception or defense. The remaining 20 jurisdictions (Alabama, Connecticut, Florida, Illinois, Indiana, Maryland, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Rhode Island, Tennessee, Washington, American Samoa, Guam, and Puerto Rico) do not have a marriage exception and do not allow marriage as a defense to violations of age-based statutes.

Minimum Marriage Age

In most jurisdictions, statutes contain two different ages for when an individual can get married. The first is typically the age of majority. The second is an exception to the age of majority, setting a minimum age at which a minor is permitted to marry if certain conditions are present. Some jurisdictions do not permit a minor to marry under any circumstances, and some have no absolute minimum age for marriage.

As set forth below, 12 jurisdictions have a minimum marriage age of 18 years old without exceptions. The majority of jurisdictions (39) also have 18 as a minimum marriage age but allow for exceptions if certain conditions are met. Two states have a marriage age younger than 18, while three jurisdictions have a marriage age older than 18, but allow for exceptions:

18 years old with no exceptions. In 12 jurisdictions (Connecticut, Delaware, Massachusetts, Michigan, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, American Samoa, and the U.S. Virgin Islands), the minimum marriage age is 18, with no exceptions.

Under age 18 if certain conditions present. 39 jurisdictions (Alabama, Alaska, Arizona, Arkansas, California, Colorado, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, Guam, and the Northern Mariana Islands) set the marriage age at 18 but allow a marriage under 18 if certain conditions are present (discussed further below). The Northern Mariana Islands is one of two jurisdictions (with Mississippi) that has a sex-based difference in marriage age. There, the minimum marriage age for a male is 18 years old, but the minimum marriage age for a female is 16 years old as long as one parent or guardian consents.

Under age 18. In South Carolina, the marriage age is 16 years old. In Hawaii, the marriage age is 16, or 15 with judicial approval and parent or guardian consent.

Over age 18. Nebraska's age of majority is 19 and therefore its marriage age is 19, but it permits a marriage at age 17 under certain conditions. Puerto Rico's age of majority is 21 and therefore the marriage age is 21, but it permits a marriage at age 18 under certain conditions. Mississippi's age of majority is also 21, which corresponds to its marriage age, but its laws also permit marriage under 21 under certain conditions. Mississippi has no minimum age under certain conditions.

No absolute minimum marriage age. Five jurisdictions already mentioned above (California, Mississippi, New Mexico, Oklahoma, and Washington) have no absolute minimum age at which a minor can marry.

- California has no minimum marriage age if there is consent by a parent or guardian and judicial approval. However, California requires the judge to follow specific statutory provisions prior to approving a marriage license for a minor (discussed further below).
- Mississippi is one of only two jurisdictions (with Northern Mariana Islands) that has different minimum marriage ages based on the sex of the persons to be married. Parent or guardian consent is required for any person under age 21. Males are permitted to marry at 17, and females are permitted to marry at 15. However, a judge is permitted to waive that age minimum if "satisfactory proof is furnished to the judge . . . that sufficient reasons exist and that the parties desire to be married to each other," and there is parent or guardian consent. There is no assessment to determine whether the marriage is in the best interest of the minor.
- New Mexico's marriage age is 18, however, a 16- or 17-year-old can marry if they have consent of a parent or guardian or judicial approval. New Mexico permits a person under 16 years old to marry if the parent or guardian requests it "in settlement of proceedings to compel support and establish parentage[.]" New Mexico also permits a person under 16 to marry if that person is pregnant. There is no additional requirement other than proof of pregnancy to permit an under 16-year-old to marry.
- Oklahoma has no minimum age for marriage when the "unmarried female is pregnant" or has given birth and has parent or guardian consent. Without the pregnancy, the marriage age is 16 with parent or guardian consent or judicial approval. Absent these circumstances, the marriage age is 18.
- Washington permits a judge to waive the marriage age of 17 "on a showing of necessity."

Conditions Permitting a Person Under Marriage Age to Marry

In jurisdictions that permit a minor to marry below the set marriage age, the parties must satisfy conditions that vary by jurisdiction. Most jurisdictions that have such conditions require parental consent, judicial approval, or a combination of both.

Parent or guardian consent. Twenty-three jurisdictions (Alabama, Alaska, Arizona, California, Florida, Hawaii, Idaho, Iowa, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Utah, West Virginia, Wyoming, and Guam) require guardian or parental consent to permit a minor younger than the minimum marriage age to marry.

Of those, 12 jurisdictions (Alabama, Arizona, Florida, Idaho, Missouri, Nebraska, North Dakota, Oregon, South Carolina, South Dakota, West Virginia, and Guam) require *only* parent or guardian consent.

Judicial approval. Seventeen jurisdictions (Alaska, Arkansas, California, Colorado, Hawaii, Iowa, Kansas, Louisiana, Maryland, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Ohio, Utah, Wyoming) require judicial approval to waive the minimum marriage age. However, the judicial approval process varies among jurisdictions. Some jurisdictions require judicial approval but impose no statutory requirements on the approval process or factors a judge must consider in approving the marriage. Some jurisdictions require the judge to conduct a “best interest” or similar assessment and impose varying degrees of statutory requirements for the court to consider. Some impose other specific statutory requirements that must be met prior to judicial approval of a marriage license. These include:

- **California:** While California has no minimum marriage age if there is guardian or parental consent and judicial approval, the following statutory requirements must be met prior to judicial approval. First, Family Court Services must conduct separate interviews of the parties to be married and interview at least one parent or guardian of each party. Family Court Services must then prepare a written report “containing any assessment of potential force, threat, persuasion, fraud, coercion, or duress by either of the parties or their family members[,]” a recommendation for granting or denying approval, and a report of child abuse or neglect if applicable. After reviewing the report, the court must conduct an *in camera* interview of each of the parties to the marriage and similarly consider evidence of coercion or undue influence. The court must also provide certain information to the minor, including the procedures for divorce, telephone numbers for the National Domestic Violence Hotline and National Sexual Assault Hotline, the conditions under which the minor may leave home to stay in a shelter, and the right to apply for a protective or restraining order. The court may also require the parties to

participate in premarital counseling “concerning social, economic, and personal responsibilities incident to the marriage.”

- **Colorado:** Colorado imposes similar requirements, including appointing a guardian ad litem to conduct a best interest assessment and filing a report with the court considering five factors: (1) the wishes of the underage party; (2) the view of the parents or guardians of the underage party; (3) the ability of the underage party to “assume the responsibilities of marriage”; (4) the circumstances surrounding the marriage; and (5) the ability of the underage party to manage their “financial, personal, social, educational, and nonfinancial affairs independent of the underage party’s intended spouse both during the marriage or upon dissolution of the marriage.” The court also must attempt to notify the parents or legal guardians of the underage party.
- **Kentucky:** Kentucky’s specific statutory requirements that a judge must follow in conducting their best interest assessment are similar to those in California and Colorado.
- **Louisiana:** In addition to similar factors to those discussed above, Louisiana requires there be a “compelling reason” for the judge to authorize the marriage and for the court to “consider the best interest of the minor.”
- **New Hampshire:** New Hampshire has similar requirements to those outlined above. In addition, the court must deny the petition to marry if the prospective non-minor spouse is or ever was in a position of authority, a position of special trust, or a professional relationship relative to the minor. The court also must deny the petition if the prospective non-minor spouse has been convicted of any crimes against minors, crimes of violence, sexual crimes, or human trafficking, or if there is a protective order issued against the prospective spouse (by anyone, not only the minor petitioning for marriage). In addition, New Hampshire does not permit a judge to allow a minor to marry if the sexual acts between the parties would constitute sexual assault, felonious sexual assault, or aggravated felonious sexual assault absent the marriage.
- **Nevada:** Nevada requires there to be “extraordinary circumstances” and a finding “by clear and convincing evidence” that the marriage is in the best interest of the minor, considering the difference in age between the parties, the need for the marriage to occur before the minor turns 18, and the minor’s emotional and intellectual maturity.
- **North Carolina:** In North Carolina, judges must appoint a guardian ad litem to consider the best interests of the minor. Judges must also consider the opinions of the parents or guardians, guardian ad litem, and the relationship and age difference between the parties. North Carolina additionally creates a rebuttable presumption that “the marriage

will not serve the best interest of the underage party when all living parents or the underage party oppose the marriage.”

- **Ohio:** In Ohio, the court must consult with parents or guardians; appoint a guardian ad litem; determine that each party has either entered the armed services, become employed and self-subsisting, or otherwise is independent; determine that the decision is free from force or coercion; and determine that the marriage and emancipation are in the best interest of the minor.
- **Utah:** Utah requires a judicial finding that the marriage is in the best interests of the minor and that the minor is entering into the marriage voluntarily. Utah also requires both parties to engage in premarital counseling. The court may also impose other conditions (e.g., that the minor continue attending school).
- **Virginia:** Virginia requires the court to consider the age difference between the parties, whether either of the parties has a criminal record of violence, and whether there is a history of violence between the parties.

Parent or guardian consent *and* judicial approval. Eleven jurisdictions (Alaska, California, Hawaii, Iowa, Louisiana, Mississippi, Montana, Nevada, North Carolina, Utah, Wyoming) require both guardian or parental consent *and* judicial approval to marry under the minimum marriage age. Mississippi requires both conditions to waive its minimum marriage age (i.e., 17 years old for males and 15 years old for females). Montana and Utah require both conditions and marriage counseling. Iowa only requires judicial approval of the certificate of the parent’s or guardian’s consent – it does not require any further evidence.

Parent or guardian consent *or* judicial approval. Six jurisdictions (Maine, Maryland, New Mexico, Illinois, Oklahoma, and Puerto Rico) require either guardian or parental consent *or* judicial approval. Illinois requires either guardian or parental consent or a judicial finding that the marriage will serve the best interest of the underage party and that the underage party is “capable of assuming the responsibilities of marriage[.]”

Position of authority. Indiana, Kentucky, New Hampshire, and Maryland specifically prohibit a minor from marrying where the other party was in a position of authority relative to the minor.

Emancipation. While some jurisdictions (Indiana, Georgia, Virginia, Texas) require emancipation for a minor to marry, other jurisdictions (Arizona, New Mexico, North Carolina, Texas, Wyoming) permit emancipation as an alternative to guardian or parental consent. To be married at 17 in Georgia, the minor must be emancipated and complete premarital education that meets certain statutory requirements.

Age difference. Thirteen jurisdictions (Alaska, Arizona, Florida, Georgia, Idaho, Indiana, Kentucky, Missouri, North Carolina, Ohio, Tennessee, Utah, West Virginia) also have a restriction on minors below the marriage age obtaining approval where the older party is a certain number of years older than the younger party. This is one way in which jurisdictions have ensured that parties cannot marry in an effort to evade criminal liability under strict liability/age-based statutes.

Pregnancy. Four jurisdictions (Arkansas, Maryland, New Mexico, and Oklahoma) have exceptions to the marriage age where the minor is pregnant.

- In Arkansas, a pregnant 16-year-old may marry if they have parental consent and a judicial finding that it is “to the best interest of the parties[.]” If the person has given birth to the child, no parental consent is required, only the judge’s best interest finding.
- In Maryland, a 17-year-old may marry if they are pregnant or have given birth. The pregnancy exception requires only a certificate from a physician or judicial approval.
- In New Mexico, there is no minimum marriage age where a minor is pregnant and obtains judicial approval.
- In Oklahoma, there is no minimum marriage age where the “unmarried female is pregnant” or has given birth, and the parent or guardian consents.

Comparison of Age-Based Sex Offenses and Marriage Age; Statutory (In)consistencies

In several jurisdictions, a minor can marry at an age where voluntary sexual acts within the marriage would be a crime. Some jurisdictions adjust for this by creating a marital exception or defense. Other jurisdictions do not have a marital exception or defense. In those jurisdictions, the minimum marriage age and the age of consent are inconsistent, thus permitting a minor to marry while still covered by the jurisdiction’s age-based sex offense statute and creating a situation where voluntary sexual acts between married parties are unlawful.

This section compares age-based sex offenses and marriage age laws within each jurisdiction and discusses any resulting legal inconsistencies based on the presence or absence of marital exceptions or defenses. The jurisdictions are divided into two groups: (1) jurisdictions permitting marriage at an age covered by age-based sex offense laws and (2) jurisdictions prohibiting marriage at an age covered by age-based sex offense laws.

Jurisdictions Permitting Marriage at an Age Covered by Age-Based Sex Offenses

In 42 jurisdictions (Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, Wyoming, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands), a person could be married at an age where voluntary sexual acts between the parties outside of the marriage would be a crime. The following assessment juxtaposes the minimum marriage age with the age of consent for each jurisdiction. It includes examples to illustrate whether the jurisdiction's statutes are legally inconsistent (i.e., the jurisdiction's statutes permit a minor to marry but criminalizes the spouse's conduct if the married parties engage in voluntary sexual acts) or legally consistent (i.e., the jurisdiction's statutes include a marriage exception or defense to its age-based sex offense).

- **Alabama:** A 16-year-old can marry if they have the consent of a parent or guardian. Although the statutory minimum age of consent to sexual acts is usually 16, there are special relationships where the statutory minimum age of consent is either 19 or 22. As a result, a 16-year-old could obtain parent or guardian consent to marry an individual with whom they have a special relationship, such as a teacher, where voluntary sexual acts between them would be a crime outside of marriage.
 - Legally Inconsistent: A person could be married at an age at which voluntary sexual acts between the parties would otherwise be a crime because Alabama does not have a marriage exception or defense.
- **Alaska:** A 16-year-old could marry a person in a position of authority or juvenile facility staff member. However, Alaska requires judicial approval that the marriage is in the best interest of the minor, and the older party cannot be more than three years older than the minor.
 - Legally Consistent: Alaska permits a marital defense to its age-based sex offenses, including in special relationships; therefore, voluntary sexual acts between the married parties would be lawful.
- **Arizona:** A 16-year-old can marry a 19-year-old with parent or guardian consent or emancipation. Absent marriage, voluntary sexual acts in this scenario would be unlawful.

- Legally Consistent: Arizona permits a marital defense to sexual contact with a minor, so sexual acts between the married parties would be lawful.
- **Arkansas**: Because of Arkansas's pregnancy exception, a pregnant 16-year-old could obtain judicial approval to marry a person in a position of authority. Absent marriage, it is unlawful for the person in a position of authority to engage in sexual acts with the minor. Additionally, a 17-year-old only needs parent or guardian consent to marry a person in a position of authority, whereas sexual acts between them outside of marriage would constitute first degree sexual assault.
 - Legally Consistent: Arkansas provides a marital exception to its special relationships sex offense.
 - Legally Inconsistent: Arkansas provides a marital exception to sexual assault in the fourth degree, which prohibits sexual acts between a person 20 years or older with a person less than 16. This is inconsistent with the state's minimum marriage age of 16.
- **California**: California has no minimum marriage age if a minor obtains a court order and parent or guardian consent.
 - Legally Consistent: California has a marital exception to its age-based sex offense.
- **Colorado**: A 16- or 17-year-old can obtain judicial approval to marry a person at least 10 years older, between whom voluntary sexual acts would otherwise constitute sexual assault. The judicial approval process requires appointment of a guardian ad litem and a best interest assessment but does not include consideration of the age difference between the parties.
 - Legally Consistent: Colorado has a marital exception to its age-based sex offense.
- **Connecticut**: Despite being one of few jurisdictions to prohibit marriage under the age of 18, Connecticut law permits a person to be married under circumstances still covered by a sex offense statute that seeks to protect students in secondary school regardless of age. Specifically, Connecticut law prohibits sexual acts between coaches or persons providing "intensive, ongoing instruction" to students in a secondary school. This provision is not age restricted. Thus, an 18-year-old student could marry a coach or person providing instruction, with whom voluntary sexual acts would constitute sexual assault in the second or fourth degree.

- Legally Inconsistent: Connecticut does not have marital exceptions to its age-based sex offenses or its aforementioned special relationship statute.
- **District of Columbia**: A 16-year-old could marry a person who has a “significant relationship” to them upon obtaining parent or guardian consent. Voluntary sexual acts between the parties would be unlawful absent marriage.
 - Legally Consistent: The District of Columbia permits a marital defense in a prosecution for its age-based sex offense.
- **Florida**: A 17-year-old is permitted to marry a 19-year-old “authority figure of a school” with parent or guardian consent (the actor must not be more than two years older than the minor for the marriage to be approved). Voluntary sexual acts, however, would be unlawful.
 - Legally Inconsistent: Florida does not have a marital exception to its age-based sex offense statutes.
- **Georgia**: Georgia law prohibits voluntary sexual acts between a minor and a person in a position of authority. Yet a 17-year-old can marry a person in a position of authority, if that 17-year-old is emancipated and has completed premarital counseling (and the older party is not four years older).
 - Legally Inconsistent: While Georgia does have a marital exception to its statutory rape statute, there are some circumstances, as illustrated above, where voluntary sexual acts between married parties would still be unlawful.
- **Hawaii**: The age of consent for Hawaii’s age-based sex offenses is 16 years old. Yet a 15-year-old could marry with guardian or parental consent and judicial approval. There are no requirements or factors that a judge must consider before granting approval.
 - Legally Consistent: Hawaii has a marital exception for age-based sex offenses.
- **Illinois**: A 16-year-old could marry a person at least five years older or a person in a position of trust or authority because Illinois provides the option of either parent or guardian consent *or* judicial approval. Yet otherwise voluntary sexual acts between the married parties would be unlawful.
 - Legally Inconsistent: Illinois does not have a marital exception or defense.

- **Iowa:** Because Iowa only requires parent or guardian consent and judicial approval of the certificate of such consent, a 16- or 17-year-old could marry a person in a special relationship to them (a counselor, therapist, school employee, or adult providing training or instruction), with whom voluntary sexual acts would be unlawful.
 - Legally Inconsistent: There is no marital exception to special relationship-based sex offenses.
- **Kansas:** A 16- or 17-year-old can marry with the consent of a parent or guardian, and a 15-year-old could marry with a judicial finding that marriage is in their best interest.
 - Legally Consistent: Kansas has a marital exception to the statute that prohibits sexual acts where the non-minor is in a position of authority. Marriage is also a defense to age-based sex offenses.
 - Legally Inconsistent: The minimum marriage age is 15, yet marriage is a defense to rape of a child under 14.
- **Louisiana:** A 16- to 20-year-old student could marry an “educator” if they obtain judicial approval and parent or guardian consent. Judicial approval requires finding that the marriage is in the best interest of the minor, based on a compelling reason and various factors, including whether the prospective spouse is in a position of authority. Because that factor is not dispositive, an individual could marry a minor over whom they are in a position of authority.
 - Legally Consistent: Because there is a marital exception to the age-based sex offenses, voluntary sexual acts between the married parties would be lawful.
- **Maine:** Maine permits a 17-year-old to marry upon obtaining either parent or guardian consent or judicial approval. With this consent or approval, a 17-year-old could marry a teacher, employee, or other official in their school district. Outside of the marriage, sexual acts between the parties would constitute sexual abuse of a minor.
 - Legally Consistent: Because there is a marital exception that applies to the special relationship sex offense, voluntary sexual acts between a 17-year-old and a teacher, employee, or other official in the school district who are married are lawful.
 - Legally Inconsistent: There is a marital exception for voluntary sexual acts between a married 16-year-old and a teacher, employee, or other official in the

school district. Yet the minimum marriage age is 17 with parent or guardian consent or judicial approval.

- **Michigan:** Michigan recently raised its minimum marriage age to 18 without exceptions for parent/guardian consent or judicial approval. In addition, under Michigan law, a person who is less than 26 years old and is receiving special education services cannot consent as a matter of law to sexual activity with their special education teacher/service provider. There is a marriage exception unless the teacher/service provider used their position to gain access or develop a relationship with the student. The statute is explicit in not carving out a marriage exception where the teacher/service provider used their relationship to facilitate the conduct.
 - Legally Consistent: Because there is a marital exception to the age-based sex offense and because there is a marital exception to the special relationship sex offense statute described above, the statutes do not appear to be inconsistent.
- **Mississippi:** Mississippi has no minimum marriage age so long as the minor obtains parent or guardian consent and judicial approval. The judicial approval process requires that the judge find “satisfactory proof” “that sufficient reasons exist and that the parties desire to be married to each other.” Thus, a person of any age can marry in situations where voluntary sexual acts between the parties would be unlawful.
 - Legally Inconsistent: Mississippi passed a new law, effective July 1, 2023, which applies the marital exception only to sexual acts between a 14 to 16-year-old and a person 17 or older. The marital exception will no longer apply to sexual acts with a person under 14. However, because there is no minimum marriage age, a person under 14 could still be married to an older party and sexual acts between them would be unlawful.
- **Missouri:** Missouri’s special relationship-based offense of “sexual contact with a student” is not age-restricted. A 16- or 17-year-old can marry with parent or guardian consent if the other party is under the age of 21.
 - Legally Inconsistent: There is no marital defense to engaging in sexual acts with a student. As a result, a 20-year-old teacher could marry a 16-year-old student, and voluntary sexual acts between the married parties would be unlawful.
- **Montana:** A 16- or 17-year-old can marry upon obtaining parent or guardian consent, judicial approval, and marriage counseling. There are no requirements for the judicial approval process. It is therefore possible that a minor student could marry an employee

of the school; or a minor in a juvenile correctional, detention, or treatment facility or on probation, conditional release, or parole could marry an employee supervising them; or a minor receiving services from a youth care facility could marry a person with supervisory or disciplinary authority over them. Montana statutes make it a crime to engage in sexual acts in any of these situations, unless the parties are married.

- Legally Consistent: Montana has a marital exception for special relationships.
- **Nebraska**: A 17- or 18-year-old can marry upon obtaining parent or guardian consent. Thus, a 17- or 18-year-old K-12 student could marry a school employee where sexual acts between the parties would automatically be unlawful. Likewise, a protected individual in the care or custody of the Department of Health and Human Services could marry a person employed there, but if the employee engages in sexual acts with the protected individual, it is unlawful.
 - Legally Inconsistent: There is no marital exception in Nebraska, so voluntary sexual acts between the parties described above would be unlawful.
- **Nevada**: A 17-year-old can marry in Nevada upon obtaining parent or guardian consent and judicial approval. The judge must determine there are “extraordinary circumstances” and find by clear and convincing evidence that the marriage will serve the minor’s best interest. Age-based sex offenses cover 17-year-old students (K-12, college, and university) when the other party is an employee of that school and is 21 years old or older. The statutes also cover 17-year-olds when the other party is in a position of authority.
 - Legally Consistent: There is a marital exception for voluntary sexual acts between a minor and a person in a position of authority.
- **New Jersey**: New Jersey prohibits marriage under age 18. However, its age-based sex offenses cover victims up to age 22 years old. An 18- to 21-year-old K-12 student could therefore marry a school employee, but voluntary sexual acts between the parties would be unlawful.
 - Legally Inconsistent: New Jersey has no marital exceptions to its age-based sex offenses.
- **New Mexico**: New Mexico has no minimum marriage age if the parent or guardian requests the marriage and a judge authorizes it, or where the minor is pregnant. A person could therefore marry at any age despite the age-based sex offenses covering children up to age 16.

- Legally Consistent: New Mexico has exceptions to the age-based sex offenses. Therefore, voluntary sexual acts between the married parties are lawful.
- **North Carolina**: A 16- or 17-year-old can marry upon obtaining parent or guardian consent and judicial approval or if they have been emancipated. However, the judicial approval process has extensive requirements, including a best interest assessment and the appointment of a guardian ad litem to conduct interviews. A minor also may not marry a person four years older than them.
 - Legally Consistent: North Carolina has marital exceptions to its age-based sex offense laws. Therefore, voluntary sexual acts between the married parties would be lawful.
- **North Dakota**: A 16- or 17-year-old can marry upon obtaining parent or guardian consent. It is unlawful for an adult to engage in sexual acts with anyone under the age of 18. There is no marriage exception or defense.
 - Legally Inconsistent: North Dakota does not have an exception or defense to the age-based sex offenses. Voluntary sexual acts between a married minor and adult would be unlawful.
- **Ohio**: A 17-year-old can marry upon obtaining judicial consent from juvenile court, so long as the age difference between the parties is not more than four years. The juvenile court is required to appoint a guardian ad litem for the minor party and determine whether the marriage is in their best interest. The judicial approval process does allow for a 17-year-old to marry a teacher, coach, administrator, cleric, or peace officer -- relationships that are protected by the age-based sex offense statute where minors are less than age 18.
 - Legally Consistent: Ohio has a marital exception for voluntary sexual acts in covered relationships.
 - Legally Inconsistent: Ohio has a marital exception for sexual acts with a person under age 13, despite the minimum marriage age of 17.
- **Oklahoma**: Oklahoma has no minimum marriage age where the “unmarried female is pregnant” or has given birth, and there is parent or guardian consent. Otherwise, a 16- or 17-year-old can marry upon obtaining parent or guardian consent or judicial approval. Therefore, a minor under 18 could be married in several circumstances where voluntary

sexual acts between the married parties would be unlawful, including where the adult is school employee or foster parent.

- Legally Inconsistent: Oklahoma does not have marital exceptions or defenses to the age-based sex offenses.
- **Oregon**: A 17-year-old can marry upon obtaining parent or guardian consent. Therefore, a 17-year-old could marry a coach or teacher, and, if the coach or teacher was 21 years old or older, voluntary sexual acts within the marriage would be unlawful.
 - Legally Inconsistent: Oregon does not have marital exceptions or defenses to the age-based sex offenses.
- **Pennsylvania**: Pennsylvania prohibits marriage under the age of 18. However, its age-based sex offenses cover victims up to age 18 or while they are enrolled as a K-12 student. Therefore, a K-12 student older than 18 could marry a school employee, and voluntary sexual acts between the married parties would be unlawful.
 - Legally Inconsistent: Pennsylvania does not have a marital exception for “institutional sexual assault,” and therefore, the sexual conduct described above would be unlawful.
- **South Carolina**: South Carolina’s marriage age is 16 with parent or guardian consent. Its age-based sex offenses cover sexual acts between a K-12 student and an employee of the school where the student is enrolled. A parent or guardian could consent to a marriage between a K-12 student and a school employee, between whom voluntary sexual acts would be unlawful.
 - Legally Inconsistent: There is no marital exception for voluntary sexual acts between a student and school employee.
- **South Dakota**: A 16- or 17-year-old can marry upon obtaining parent or guardian consent. A parent or guardian could consent to a minor marrying a person in a position of authority who is five years older than the minor.
 - Legally Consistent: South Dakota has a marital exception for voluntary sexual acts between a person under 18 and a person in a position of authority.
- **Tennessee**: A 17-year-old can marry so long as the other party is not more than four years older than the minor. Although the age-based sex offense is subject to a close-in-age

exception between persons not in a special relationship, a minor could marry an authority figure at an age where sexual acts between the parties would be unlawful.

- Legally Inconsistent: Tennessee does not have a marital exception. Where a minor marries an authority figure, voluntary sexual acts within the marriage would be unlawful.
- **Texas**: An emancipated 16-year-old could marry a person more than three years older. An emancipated K-12 student could also marry an educator who is three years older.
 - Legally Consistent: Texas has a marital defense for both above-referenced scenarios, where voluntary sexual acts would be a crime, but for the marriage.
- **Utah**: Utah permits marriage under the age of 18 but imposes a requirement that the other party not be more than seven years older than the minor. Utah's age-based sex offense statute is subject to a close-in-age exception that makes sexual acts between a 16- or 17-year-old unlawful where the other party is older by seven or more years. Thus, a minor could not marry where sexual acts between the parties would be a crime. However, the age-based sex offense for a person in a "position of special trust" is not subject to a close-in-age exception. Thus, a 16- or 17-year-old could marry a person in a position of special trust who is fewer than seven years older than them, in which case, absent the marriage, voluntary sexual acts between the parties would be a crime.
 - Legally Consistent: Utah has a broad marital exception to all age-based sex offenses.
- **Virginia**: Virginia permits a 16-year-old to be emancipated "on the basis of intent to marry." A court must make written findings that it is the minor's own will to enter the marriage, that the parties are mature enough, that the marriage will not endanger the safety of the minor (considering the age difference between the parties, criminal records or convictions of violence, and history of violence between the parties), and that the marriage is in the best interest of the minor. The age of consent for age-based sex offense statutes is 16 years of age.
 - Legally Consistent: Virginia's age of consent to sexual acts is 16 years of age, and minors younger than 16 cannot marry. The statutes are therefore consistent.
- **Washington**: There is no minimum marriage age in Washington because a judge can waive the age requirement on a "showing of necessity." A minor could therefore marry at any age. Further, a 17-year-old can marry upon obtaining parent or guardian consent. Therefore, a minor under 16, for example, could marry a person at least two years older;

a 16- or 17-year-old could marry a person in a significant relationship to them; and a 16- to 20-year-old K-12 student could marry a school employee. In each case, voluntary sexual acts between the married parties would be unlawful.

- Legally Inconsistent: Washington does not have a marital exception or defense, so in each case described above, sexual acts between the parties would be unlawful.
- **Wisconsin**: A 16- or 17-year-old can marry upon obtaining parent or guardian consent, and thus could marry school staff or a person who works or volunteers with children. In those examples, absent marriage, voluntary sexual acts between the parties would be unlawful.
 - Legally Consistent: Wisconsin has a marital exception.
- **Wyoming**: A 16- or 17-year-old can marry if they are emancipated or obtain parent or guardian consent and judicial approval. There are no statutory requirements for judicial approval. Therefore, if a 16-year-old marries a person four or more years older, voluntary sexual acts between the parties would be unlawful. Similarly, a 16- or 17-year-old could marry a person in a position of authority who is four or more years older than the minor, and the sexual acts between the parties would be unlawful.
 - Legally Inconsistent: Marriage is not a defense to sex offenses involving the relationships described above.
- **Northern Mariana Islands**: The Northern Mariana Islands has different marriage ages based on the sex of the party to be married. A female can marry at 16 upon obtaining parent or guardian consent, despite age-based sex offenses covering victims up to age 20.
 - Legally Consistent: The Northern Mariana Islands permits marriage as a defense to age- and relationship-based sex offense statutes.
- **Puerto Rico**: An 18- to 20-year-old can marry upon obtaining parent or guardian consent and judicial approval. Puerto Rico law prohibits a person in a position of authority from engaging in sexual acts with someone over whom the person has authority. A minor could marry a person in a position of authority, and the sexual acts between the parties would be unlawful.
 - Legally Inconsistent: Puerto Rico does not have a marital defense.

- **U.S. Virgin Islands:** The U.S. Virgin Islands prohibits marriage under age 18. It also prohibits a person in a position of authority from engaging in sexual acts with an individual over whom they have authority. Therefore, a person could marry a person in a position of authority, although sexual acts between the parties would be unlawful outside of marriage.
 - Legally Consistent: The U.S. Virgin Islands permits “spousal consent” as a defense to its sex offenses.

Jurisdictions Establishing Minimum Marriage Ages Older Than Those Covered by Age-Based Sex Offenses

Fourteen jurisdictions (Delaware, Idaho, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, Vermont, West Virginia, American Samoa, Guam) establish a minimum marriage age such that a person could *not* be married at an age where that jurisdiction’s criminal statutes provide that voluntary sexual acts between the parties would be a crime. As explained below, some of these jurisdictions still have inconsistent laws because marital exceptions or defenses have not been repealed.

- **Delaware:** Delaware prohibits marriage under the age of 18. Delaware’s age-based sex offenses cover victims up to age 18.
 - Legally Inconsistent: Although the aforementioned laws appear to be legally consistent, Delaware’s retention of a marital exception to rape in the fourth degree, where the victim is less than 18 and the perpetrator is 30 or older, is inconsistent with its statutory marriage floor of 18.
- **Idaho:** Although Idaho permits marriage under the age of 18, it does not permit a 16- or 17-year-old to marry someone three years older. The age-based sex offense is subject to a close-in-age exception where the adult is less than three years older than the minor.
 - Legally Consistent: Age-based sex offenses are not triggered unless the perpetrator is three years older than the minor, and marriage is not permitted between a 16- or 17-year-old and a person three years older. The statutes are therefore consistent.
- **Indiana:** Although Indiana permits marriage under the age of 18, it requires judicial approval. Judicial approval is prohibited where the intended spouse is four or more years older than the minor or is or was in a position of authority or trust. The age-based sex

offenses are subject to a close-in-age exception that permits voluntary sexual acts between a minor and a person not more than four years older than the minor.

- Legally Consistent: The requirements of the judicial approval process make the marriage age and age-based sex offense statutes consistent.
- **Kentucky**: Although Kentucky permits marriage under the age of 18 with judicial approval, state law prohibits approval of a 17-year-old marrying a person 10 years older. Kentucky's age-based sex offense is also not triggered until the older party is 10 years older than the minor. A 17-year-old is also prohibited from marrying a person in a position of trust. Kentucky has an exception to voluntary sexual acts with a minor under age 16.
 - Legally Consistent: The requirements of the judicial approval process for marriage ensure that the age-based sex offense statutes and the marriage age statutes are not in consistent.
 - Legally Inconsistent: Kentucky has a marital exception to sexual contact with a person under 16, but the minimum marriage age in Kentucky is 18.
- **Maryland**: Maryland permits a 17-year-old to marry with either (1) parent or guardian consent and judicial approval; or (2) submission of a certificate from a physician that the person is pregnant or has given birth and judicial approval. The judicial approval process does not permit a 17-year-old to marry a person in a position of authority.
 - Legally Consistent: The requirements of the judicial approval process make the marriage age and age-based sex offense statutes consistent.
- **Massachusetts**: Massachusetts prohibits marriage under the age of 18. The state's age-based sex offenses cover victims up to age 18.
 - Legally Consistent: Massachusetts has no exceptions to the marriage age.
- **Minnesota**: Minnesota prohibits marriage under the age of 18. The state's age-based sex offenses cover victims up to age 18.
 - Legally Consistent: Minnesota has no exceptions to the marriage age.
- **New Hampshire**: New Hampshire permits marriage under the age of 18 upon obtaining parent or guardian consent along with a judicial finding by clear and convincing evidence that the marriage is in the best interest of the minor. However, as part of the judicial

approval process, the statute prohibits a court from permitting a minor to marry if “sexual contact or sexual penetration between the parties would, but for the solemnization of the proposed marriage, constitute sexual assault, felonious assault, or aggravated felonious sexual assault[.]” Therefore, under no circumstances could a minor marry a person in a case where sexual acts between the parties would be unlawful.

- Legally Consistent: New Hampshire’s judicial approval process ensures that the statutes are consistent.
- **New York**: New York prohibits marriage under the age of 18. The age-based sex offenses cover victims up to age 18.
 - Legally Inconsistent: New York has a marital defense for sexual acts with a minor under age 17, but New York does not permit marriage under age 18.
- **Rhode Island**: Rhode Island prohibits marriage under the age of 18. The age-based sex offenses cover victims up to age 18.
 - Legally Consistent: Rhode Island has no exceptions to the marriage age.
- **Vermont**: Vermont prohibits marriage under age 18. The age-based sex offenses cover victims up to age 18.
 - Legally Inconsistent: Vermont retains a marital exception for sexual acts with a minor under 16 but does not permit marriage under age 18. The statutes are inconsistent.
- **West Virginia**: Although a 16- or 17-year-old can marry upon obtaining parent or guardian consent, they cannot do so where the other party is more than four years older. West Virginia’s age-based sex offenses are all subject to a four-year close-in-age exception.
 - Legally Consistent: A minor cannot marry at an age where voluntary sexual acts between the parties would be unlawful.
- **American Samoa**: American Samoa prohibits marriage under the age of 18. The age-based sex offense cover victims up to age 17.
 - Legally Consistent: American Samoa has no exceptions to the marriage age.

- **Guam:** Guam's minimum marriage age is 16 with parent or guardian consent. Their age-based sex offenses cover victims up to age 16.
 - Legally Consistent: A minor cannot marry at an age where voluntary sexual acts between the parties would be unlawful.

Jurisdictional Statute Survey

This table was created based in part on data from the Tahirih Justice Center's state survey,³ a report published by AEquitas,⁴ and data compiled by the Rape, Abuse & Incest National Network (RAINN).⁵ This table is current as of January 31, 2024.⁶

Jurisdiction	Age of Consent⁷	Age of Consent or Ability to Consent in Cases Involving Special Relationship⁸	Age of Consent is Subject to Close-in-Age Exception or Defense⁹	Minimum Marriage Age¹⁰	Exception for Marriage or Marriage as a Defense¹¹	Person Could Be Married at an Age Where Voluntary Sexual Acts Between the Parties Outside of the Marriage Would be a Crime¹²	Statutes are Inconsistent¹³
Alabama	16 ¹⁴	19 ¹⁵ or 22 ¹⁶	Yes ¹⁷	16 or 18 ¹⁸	No	Yes	Yes
Alaska	16 ¹⁹	16, ²⁰ 18, ²¹ or 20 ²²	Yes ²³	16 or 18 ²⁴	Defense in some cases ²⁵	Yes, but unlikely	No
Arizona	18 ²⁶	18 ²⁷	Yes ²⁸	16 or 18 ²⁹	Defense ³⁰	Yes	No
Arkansas	16 ³¹	18 or student K-12 up to 21 ³²	Yes ³³	16, 17, or 18 ³⁴	Exception ³⁵	Yes	Yes
California	18 ³⁶	N/A	No ³⁷	None or 18 ³⁸	Exception ³⁹	Yes, but unlikely	No
Colorado	15 or 17 ⁴⁰	18 ⁴¹	Yes ⁴²	16 or 18 ⁴³	Exception ⁴⁴	Yes, but unlikely	No
Connecticut	16 ⁴⁵	18 or student K-12 ⁴⁶	Yes ⁴⁷	18, no exceptions ⁴⁸	No	Yes	Yes
Delaware	16 ⁴⁹	18 ⁵⁰	Yes ⁵¹	18, no exceptions ⁵²	Exception ⁵³	No	Yes

Jurisdiction	Age of Consent⁷	Age of Consent or Ability to Consent in Cases Involving Special Relationship⁸	Age of Consent is Subject to Close-in-Age Exception or Defense⁹	Minimum Marriage Age¹⁰	Exception for Marriage or Marriage as a Defense¹¹	Person Could Be Married at an Age Where Voluntary Sexual Acts Between the Parties Outside of the Marriage Would be a Crime¹²	Statutes are Inconsistent¹³
District of Columbia	16 ⁵⁴	18 or 20 ⁵⁵	Yes ⁵⁶	16 or 18 ⁵⁷	Defense ⁵⁸	Yes	No
Florida	18 ⁵⁹	18 ⁶⁰	Yes ⁶¹	17 or 18 ⁶²	No	Yes	Yes
Georgia	16 ⁶³	Student K-12, child in foster care with foster parent, or child with a person in a position of authority of unspecified age ⁶⁴	No ⁶⁵	17 or 18 ⁶⁶	Exception to statutory rape only ⁶⁷	Yes	Yes
Hawaii	16 ⁶⁸	18 ⁶⁹	Yes ⁷⁰	15 or 16 ^{71*}	Exception ⁷²	Yes	No
Idaho	16 or 18 ⁷³	N/A	Yes ⁷⁴	16 or 18 ⁷⁵	Exception ⁷⁶	No	No
Illinois	17 ⁷⁷	18 ⁷⁸	Yes ⁷⁹	16 or 18 ^{80*}	No	Yes	Yes
Indiana	16 ⁸¹	18 ⁸²	Yes ⁸³	16 or 18 ⁸⁴	No	No	No
Iowa	14 ⁸⁵	16 ⁸⁶ , minor, ⁸⁷ or Student K-12 ⁸⁸	Yes ⁸⁹	16 or 18 ⁹⁰	Exception ⁹¹	Yes	Yes
Kansas	16 ⁹²	Student K-12 or child in foster	No ⁹⁴	15, 16, or 18 ⁹⁵	Exception ⁹⁶ and defense ⁹⁷	Yes	Yes and no

Jurisdiction	Age of Consent ⁷	Age of Consent or Ability to Consent in Cases Involving Special Relationship ⁸	Age of Consent is Subject to Close-in-Age Exception or Defense ⁹	Minimum Marriage Age ¹⁰	Exception for Marriage or Marriage as a Defense ¹¹	Person Could Be Married at an Age Where Voluntary Sexual Acts Between the Parties Outside of the Marriage Would be a Crime ¹²	Statutes are Inconsistent ¹³
		care with foster parent ⁹³					
Kentucky	16 ^{98*}	18 ⁹⁹	Yes ¹⁰⁰	17 ¹⁰¹ or 18 ¹⁰²	Exception ^{103*}	No	Yes and no
Louisiana	15 or 17 ¹⁰⁴	21, if student K-12 ¹⁰⁵	Yes ¹⁰⁶	16 or 18 ¹⁰⁷	Exception ¹⁰⁸	Yes, but unlikely	No
Maine	16 ¹⁰⁹	18 ¹¹⁰	Yes ¹¹¹	17 or 18 ^{112*}	Exception ¹¹³	Yes	No
Maryland	16 ¹¹⁴	Minor student K-12 ¹¹⁵	Yes ¹¹⁶	17 or 18 ¹¹⁷	No ¹¹⁸	No	No
Massachusetts	16 ¹¹⁹ or 18 ^{120*}	N/A	No	18, no exceptions ¹²¹	No	No	No
Michigan	16 ¹²²	18 or 26 ¹²³	No	18, no exceptions ^{124*}	Exception ^{125*}	Yes	Yes
Minnesota	16 ¹²⁶	18 ¹²⁷	Yes ¹²⁸	18, no exceptions ¹²⁹	No	No	No
Mississippi	14 or 16 ¹³⁰	18 ¹³¹	Yes ¹³²	None, 15/17, or 21 ¹³³	Exception ^{134*}	Yes	Yes
Missouri	14 or 17 ¹³⁵	Student K-12 ¹³⁶	Yes ¹³⁷	16 or 18 ¹³⁸	Defense ¹³⁹	Yes	Yes
Montana	16 ¹⁴⁰	Student K-12, receiving services from youth care	No	16 or 18 ¹⁴²	Exception in special relationships ¹⁴³	Yes	No

Jurisdiction	Age of Consent ⁷	Age of Consent or Ability to Consent in Cases Involving Special Relationship ⁸	Age of Consent is Subject to Close-in-Age Exception or Defense ⁹	Minimum Marriage Age ¹⁰	Exception for Marriage or Marriage as a Defense ¹¹	Person Could Be Married at an Age Where Voluntary Sexual Acts Between the Parties Outside of the Marriage Would be a Crime ¹²	Statutes are Inconsistent ¹³
		facility, or in adolescent program ¹⁴¹					
Nebraska	16 ¹⁴⁴	19 if student K-12 or in custody of DHHS, ¹⁴⁵	Yes ¹⁴⁶	17 or 19 ¹⁴⁷	No	Yes	Yes
Nevada	16 ¹⁴⁸	16+ ¹⁴⁹ or 18 ¹⁵⁰	Yes ¹⁵¹	17 or 18 ¹⁵²	Exception ¹⁵³	Yes, but unlikely	No
New Hampshire	16 ¹⁵⁴	18 ¹⁵⁵	Yes ¹⁵⁶	16 or 18 ¹⁵⁷	No ¹⁵⁸	No	No
New Jersey	16 ¹⁵⁹	18 or 22 ¹⁶⁰	Yes ¹⁶¹	18, no exceptions ¹⁶²	No	Yes	Yes
New Mexico	16 ¹⁶³	18 ¹⁶⁴	Yes ¹⁶⁵	None, 16, or 18 ¹⁶⁶	Exception ¹⁶⁷	Yes	No
New York	17 ¹⁶⁸	Child in care or custody of office of children and family services and actor is employee ¹⁶⁹	No	18, no exceptions ¹⁷⁰	Exception ¹⁷¹ and Defense ¹⁷²	No	Yes

Jurisdiction	Age of Consent⁷	Age of Consent or Ability to Consent in Cases Involving Special Relationship⁸	Age of Consent is Subject to Close-in-Age Exception or Defense⁹	Minimum Marriage Age¹⁰	Exception for Marriage or Marriage as a Defense¹¹	Person Could Be Married at an Age Where Voluntary Sexual Acts Between the Parties Outside of the Marriage Would be a Crime¹²	Statutes are Inconsistent¹³
North Carolina	16 ^{173*}	18 or student K-12 ¹⁷⁴	Yes ¹⁷⁵	16 or 18 ¹⁷⁶	Exception ¹⁷⁷	Yes, but unlikely	No
North Dakota	15 or 18 ¹⁷⁸	18 ¹⁷⁹	No	16 or 18 ¹⁸⁰	No	Yes	Yes
Ohio	16 ¹⁸¹	18 ¹⁸²	Yes ¹⁸³	17 or 18 ¹⁸⁴	Exception ^{185*}	Yes, but unlikely	No
Oklahoma	16 ¹⁸⁶	18 or 20 ¹⁸⁷	For special relationship ¹⁸⁸	None, 17, or 18 ¹⁸⁹	No	Yes	Yes
Oregon	18 ¹⁹⁰	18 ¹⁹¹	Yes ¹⁹²	17 or 18 ¹⁹³	No	Yes	Yes
Pennsylvania	16 ¹⁹⁴	18 or student K-12 ¹⁹⁵	Yes ¹⁹⁶	18, no exceptions ¹⁹⁷	Exception ¹⁹⁸	No	Yes
Rhode Island	16 ¹⁹⁹	18 ²⁰⁰	Yes ²⁰¹	18, no exceptions ²⁰²	No	No	No
South Carolina	16 ²⁰³	Student K-12 ²⁰⁴	Yes ²⁰⁵	16 or 18 ²⁰⁶	Exception ²⁰⁷	Yes	Yes
South Dakota	16 ²⁰⁸	18 ²⁰⁹	Yes ²¹⁰	16 or 18 ²¹¹	Exception ²¹²	Yes	No
Tennessee	18 ²¹³	18 ²¹⁴	Yes ²¹⁵	17 or 18 ²¹⁶	No ²¹⁷	Yes	Yes
Texas	17 ²¹⁸	Student K-12 ²¹⁹	Yes ²²⁰	16 or 18 ²²¹	Defense ²²²	Yes	No
Utah	18 ²²³	18 ²²⁴	Yes ²²⁵	16 or 18 ²²⁶	Exception ²²⁷	Yes	No
Vermont	16 ²²⁸	18 ²²⁹	Yes ²³⁰	18, no exceptions ²³¹	Exception ²³²	No	Yes
Virginia	18 ²³³	18 ²³⁴	Yes ²³⁵	16 or 18 ²³⁶	Exception ²³⁷	Yes	No

Jurisdiction	Age of Consent⁷	Age of Consent or Ability to Consent in Cases Involving Special Relationship⁸	Age of Consent is Subject to Close-in-Age Exception or Defense⁹	Minimum Marriage Age¹⁰	Exception for Marriage or Marriage as a Defense¹¹	Person Could Be Married at an Age Where Voluntary Sexual Acts Between the Parties Outside of the Marriage Would be a Crime¹²	Statutes are Inconsistent¹³
Washington	16 ²³⁸	18 or student K-12 up to 21 ²³⁹	Yes ²⁴⁰	None, 17, or 18 ^{241*}	No	Yes	Yes
West Virginia	16 ²⁴²	18 or student K-12 up to any age ²⁴³	Yes ²⁴⁴	16 or 18 ²⁴⁵	Exception ²⁴⁶	No	Yes
Wisconsin	16 ²⁴⁷	18 ²⁴⁸	For special relationship ²⁴⁹	16 or 18 ²⁵⁰	Exception ²⁵¹	Yes	No
Wyoming	17 ²⁵²	18 ²⁵³	Yes ²⁵⁴	16 or 18 ²⁵⁵	Possibly defense ²⁵⁶	Yes	Yes
American Samoa	17 ²⁵⁷	N/A	No	18, no exceptions ²⁵⁸	No	No	No
Guam	16 ²⁵⁹	N/A	No	16 or 18 ²⁶⁰	No	No	No
Northern Mariana Islands	16 ²⁶¹	16, ²⁶² 18, ²⁶³ or 20 ²⁶⁴	Yes ²⁶⁵	16 or 18 ²⁶⁶	Defense ²⁶⁷	Yes	No
Puerto Rico	16 ²⁶⁸	Unspecified, where actor is in position of authority ²⁶⁹	No	18 or 21 ²⁷⁰	No	Yes	Yes
Virgin Islands	18 ²⁷¹	Unspecified where actor is	Yes ²⁷³	18, no exceptions ²⁷⁴	Defense ²⁷⁵	Yes	No

Jurisdiction	Age of Consent⁷	Age of Consent or Ability to Consent in Cases Involving Special Relationship⁸	Age of Consent is Subject to Close-in-Age Exception or Defense⁹	Minimum Marriage Age¹⁰	Exception for Marriage or Marriage as a Defense¹¹	Person Could Be Married at an Age Where Voluntary Sexual Acts Between the Parties Outside of the Marriage Would be a Crime¹²	Statutes are Inconsistent¹³
		in position of authority ²⁷²					

* Denotes pending state legislation that would amend existing state law, as reflected in the footnote.

¹ While we recognize some victims prefer to be called survivors, the text of this report refers to the people engaging in the sexual act as “perpetrator” and “victim” as used in the statutory language of VAWA 2022. The parenthetical summaries of statutes in the footnotes track each individual jurisdiction’s statutory language.

² Pursuant to section 1205 of VAWA 2022, for the purposes of this report, the term “sexual act” has the same meaning as set forth in 18 U.S.C. § 2246(2): “(A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; (B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; (C) the 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; or (D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person[.]”

³ TAHIRIH JUST. CTR., THE ALARMING DISCONNECT BETWEEN AGE-BASED SEX OFFENSES AND MINIMUM MARRIAGE AGE (2020) <http://www.tahirih.org/wp-content/uploads/2020/08/FINAL-Aug-2020-Policy-Brief-Disconnect-btwn-Stat-Rape-and-Marriage-Age.pdf>.

⁴ CAROL E. TRACY, TERRY L. FROMSON & JENNIFER GENTILE LONG, STATUTORY COMPILATION: RAPE AND SEXUAL ASSAULT LAWS, AEQUITAS, (2012) <https://evawintl.org/wp-content/uploads/StatutoryCompilation-RapeandSexualAssaultLaws.pdf>.

⁵ *Consent Laws*, RAPE, ABUSE & INCEST NAT’L NETWORK, <https://apps.rainn.org/policy/compare/consent-laws.cfm> (last visited June 7, 2020).

⁶ Due to recent developments in the law as well as differences in statutory analysis, the information in this chart differs in several respects from the statutory compilations found at footnotes 3 through 5.

⁷ This column reflects the age at which the state considers a person capable of consenting to sexual acts (i.e., the age at which the age-based sex offense statute no longer applies).

⁸ This column reflects the age of consent where there is a special relationship between the parties, recognizing that most states have a higher age of consent when the older party is in a “position of authority” or similarly named position. Each state defines the term differently and/or has its own iteration of this term. This is the age at which the age-based sex offense statute for special relationships no longer applies.

⁹ This column identifies whether the age of consent or age-based sex offense statute is subject to an exception or permits a defense to statutory rape laws for “consenting minors,” commonly referred to as “Romeo and Juliet” exceptions or “close-in-age” exceptions.

¹⁰ This column reflects the age the state permits a person to marry. States have different requirements for when a minor may marry, such as with consent of a parent or guardian, judicial assessment and/or approval, and other state-specific requirements.

¹¹ This column identifies whether the state statute has an exception within it if the parties are married (i.e., the act is not a crime if the parties are married) or whether the statute permits a party to raise marriage as a defense to prosecution.

¹² This column compares the marriage age with the ages of consent and concludes whether a minor could be married at an age where, if they were not married, sexual intercourse between the unmarried parties would be a crime.

¹³ This column concludes whether the statutes are inconsistent because a minor could be married at an age where sex outside of marriage would be a crime, and the state does not have a defense or exception for marriage.

¹⁴ ALA. CODE § 13A-6-70(c)(1) (2023).

¹⁵ ALA. CODE §§ 13A-6-71, -81, -82 (2023) (a sex act or sexual contact is a crime where the person is a foster parent, and the protected person is a foster child; where the person is a school employee, and the protected person is a student).

¹⁶ ALA. CODE §§ 13A-6-81, -82, 15-25-1 (2023) (a sex act or sexual contact is a crime where the person is a school employee and the student is a “protected person”, meaning a person “who has a developmental disability attributable to an intellectual disability, autism, cerebral palsy, epilepsy, or other disabling neurological condition that requires training or support similar to that required by a person with an intellectual disability”, with some additional requirements).

¹⁷ ALA. CODE § 13A-6-62 (1975) (rape in the second degree where one person is 16 or older and the other person is 13-15, and where the older person is at least two years older than the younger); § 13A-6-67 (sexual abuse in the second degree where the person is 19 or older and the victim is 13-15).

¹⁸ ALA. CODE §§ 30-1-4 to -5 (1975) (16 with parent or guardian consent; otherwise, 18).

¹⁹ ALASKA STAT. § 11.41.436, .438, .440 (2022).

²⁰ ALASKA STAT. § 11.41.436(a)(5) (2022) (sexual abuse of a minor in the second degree where the offender is 18 or older and engages in sexual contact with a victim under 16, and the offender “occupies a position of authority in relation to the victim” or they are “residing in the same household” and the offender “has authority over the victim”); (a)(6) (where the offender is 18 or older and engages in sexual penetration with a victim 16 or 17 and at least three years younger than the offender, who occupies a “position of authority” relative to the victim).

²¹ ALASKA STAT. § 11.41.434(a)(2) (2022) (a person under 18 with a person older than 18, where the offender is the victim’s “natural parent, stepparent, adopted parent, or legal guardian”); § 11.41.440 (where the offender is 18 or older with a person 16-17 and at least three years younger than the victim, and the offender is in a “position of authority” relative to the victim).

²² ALASKA STAT. § 11.41.425(a)(3), .427(a)(2) (2022) (sexual assault in the third degree where the child is in the custody of the Department of Family and Community Services and the offender is the legal guardian); § 11.41.425(a)(6), .427(a)(5) (where the offender is a juvenile probation officer or juvenile facility staff, and the child is in their custody or under their supervision).

²³ All of Alaska’s age-based sexual offenses hinge on the difference in age between the two parties, as opposed to most other states which set a general age of consent at one age and may have “close-in-age” exceptions. Alaska’s several provisions criminalizing statutory rape or sexual abuse of a minor vary widely based upon the age differences between the two parties. *See* ALASKA STAT. § 11.41.440 (“Sexual abuse of a minor in the fourth degree” occurs where the offender is under 16 and engages in sexual contact with a person under 13 and at least three years younger than the offender); § 11.41.438 (“Sexual abuse of a minor in the third degree” occurs where the offender is 17 or older and engages in sexual contact with a person 13-15 and at least four years younger than the offender); § 11.41.436 (“Sexual abuse of a minor in the second degree” occurs where the offender is 17 or older and engages in sexual penetration with a person 13-15 and at least four years younger than the offender; where the offender is 16 or older and engages in sexual contact with a person under 13; where the offender is 16 or older and “aids, induces, or encourages a person who is under 16 to engage in” sexual exploitation; where the offender is under 16 and engages in sexual penetration with a person under 13 and at least three years younger than the offender).

²⁴ ALASKA STAT. § 25.05.171 (2022) (16 with judicial approval that the marriage is “in the best interest of the minor”, parent or guardian consent, and so long as the older party is not more than three years older; otherwise, 18).

²⁵ ALASKA STAT. § 11.41.445 (2022) (that victim was legal spouse of the defendant is a defense to age-based sexual offenses where sexual acts voluntary); § 11.41.432(d)–(e) (2022) (that the victim was the legal spouse of the defendant is a defense to a sexual crime charged in special relationships, including foster care and juvenile facilities).

²⁶ ARIZ. REV. STAT. § 13-1405(A) (2023).

²⁷ ARIZ. REV. STAT. § 13-1404(B) (2023) (if the victim was 15-17 and the defendant was in a “position of trust”, consent is not a defense).

²⁸ ARIZ. REV. STAT. § 13-1407(E) (2023) (providing a defense for consensual conduct where the victim is 15-17, the defendant is under 19 or attending high school, and the defendant is no more than two years older than the victim).

²⁹ ARIZ. REV. STAT. § 25-102 (2023) (16 with emancipation or parent or guardian consent so long as the prospective spouse is not more than three years older; otherwise, 18).

³⁰ ARIZ. REV. STAT. § 13-1407(D) (2023) (marriage is a defense to sexual abuse and sexual conduct with a minor).

³¹ ARK. CODE ANN. § 5-14-127(a)(1) (2023).

³² ARK. CODE ANN. § 5-14-124(a)(2) (2023) (first degree sexual assault if the victim is in K-12 and is enrolled in the school where the actor is a teacher, principal, athletic coach, or counselor; where the actor is a principal, coach, or counselor and in a “position of trust or authority” over the victim; if the actor is employed in a correctional facility or Department of Human Services and the minor is in the actor’s custody or supervision; if the actor is a mandated report and in a position of trust or authority over the minor; if the actor is an employee in the victim’s school district or a caretaker in a position of trust or authority over the victim).

³³ All of Arkansas’s age-based sexual offenses hinge on the difference in age between the two parties. *See* ARK. CODE ANN. § 5-14-125 (2023) (second degree sexual assault occurs where the actor is 18 years or older and engages in sexual contact with a person under 14; and where a minor engages in sexual contact with a person who is less

than 14); § 5-14-127 (where the actor is 20 or older and engages in sexual intercourse, sexual contact, or “deviate sexual activity” with a person less than 16). *See also* ARK. CODE ANN. § 5-14-124(c) (2023) (affirmative defense to first degree sexual assault between a school employee or person in a position of trust or authority and a minor if the actor was not more than three years older than the victim); § 5-14-125(5)(B) (affirmative defense to sexual contact between a minor and another who is less than 14 if the two parties are not more than three years apart if the victim is less than 12 or four years apart if the victim is 12 or older); § 5-14-126 (affirmative defense to third degree sexual assault between a minor and another person less than 14 where the actor is not more than three years older than the victim).

³⁴ ARK. CODE ANN. §§ 9-11-103, -102(a), -102(b)(1) (2023) (16 if the female is pregnant and with judicial approval that it is “to the best interests of all the interested parties” and parent or guardian consent; 17 with parent or guardian consent; otherwise, 18).

³⁵ ARK. CODE ANN. § 5-14-124(a)(1) (2023) (marital exception in special relationships, including correctional officers where the minor is in custody, law enforcement officers who are supervising the minor, mandated reporters in a position of trust or authority who abuse that trust or authority, school employees, and temporary caretakers); § 5-14-126(a) (also including clergy); § 5-14-125 (marital exception where the actor is a minor who engaged in sexual contact with another person who is less than 14 years old); § 5-14-127 (marital exception where the actor is 20 years or older and the minor is less than 16).

³⁶ CAL. PENAL CODE § 261.5 (West 2023).

³⁷ However, California imposes increased penalties as the age of the minor decreases.

³⁸ CAL. FAM. CODE §§ 302–04 (West 2023) (no minimum age with court order and written consent of one parent or guardian if capable; otherwise, 18). The Code sets forth requirements for the court to consider when deciding whether to grant the application, including an interview of the parties intending to marry and at least one parent or guardian of each minor. § 304.

³⁹ CAL. PENAL CODE § 261.5(a) (West 2023) (“Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor.”).

⁴⁰ COLO. REV. STAT. § 18-3-402(1)(d)–(e) (2023).

⁴¹ COLO. REV. STAT. § 18-3-405.3(3) (2023) (where the actor is in a “position of trust” relative to the victim).

⁴² COLO. REV. STAT. §§ 18-3-402(1)(d), -405 (2023) (age of consent is 15 where the actor is at least four years older than the victim); § 18-3-402(1)(e) (age of consent is 17 if the actor is at least ten years older than the victim).

⁴³ COLO. REV. STAT. § 14-2-106(1)(a)(I) (2023) (16 with judicial approval; otherwise, 18). Colorado provides a list of requirements a court must follow prior to ordering the clerk to issue a marriage license to a 16- or 17-year-old, including appointing a guardian ad litem to investigate the best interests of the underage party based on several factors and file a report for the court’s review. § 14-2-108 (2023).

⁴⁴ COLO. REV. STAT. § 18-3-402(d)–(e) (2023) (marital exception to sexual assault); § 18-4-405 (marital exception to sexual assault on a child); § 18-3-405.3(1) (marital exception to sexual assault on a child by one in a position of trust).

⁴⁵ CONN. GEN. STAT. §§ 53a-71, 53a-73a (2023).

⁴⁶ CONN. GEN. STAT. §§ 53a-71(a)(4), 71(a)(9), 71(a)(10), 73a(a)(1)(D), 73a(a)(6), 73a(a)(7) (2023) (if the actor is the person’s guardian or responsible for supervision of the person’s welfare; if the actor is a coach or instructor and the person receives instruction from that person; if the actor is a coach or “person who provides intensive, ongoing instruction” and the other person receives such instruction or is a secondary school student; or if the actor is in a “position of power, authority or supervision . . . by virtue of the actor’s professional, legal, occupational or volunteer status”).

⁴⁷ CONN. GEN. STAT. § 53a-73a(a)(1)(A)–(B) (2023) (age of consent is 13 where the actor is more than two years older than the person; age of consent is 15 where the actor is more than three years older than the person).

⁴⁸ CONN. GEN. STAT. § 46b-20a (2023).

⁴⁹ DEL. CODE tit. 11, § 770(a)(1), (a)(3) (2023).

⁵⁰ DEL. CODE tit. 11, § 778 (2023) (by a “person in a position of trust, authority, or supervision”).

⁵¹ DEL. CODE tit. 11, § 761 (2023) (A child 12-16 can consent to a sexual act with a person less than four years older); § 762(d) (it is an affirmative defense to prosecution where the victim is 12-16 and the other person is no more than four years older, and the victim consented “knowingly”); § 770(a)(2) (age of consent is 18 where the person is 30 or older).

⁵² DEL. CODE tit. 13, § 123 (2023).

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- ⁵³ DEL. CODE tit. 11, § 770 (2023) (Marital exception to rape in the fourth degree if the victim is less than 18 and the actor is 30 or older).
- ⁵⁴ D.C. CODE §§ 22-3008, -3009 (2023) (however, to be unlawful, the person still must be at least four years older than the child, defined in section 22-3001(3) as a person under 16).
- ⁵⁵ D.C. CODE §§ 22-3001(5A), 3009.01, .02, .03, .04 (2023) (where the actor is a person over 18 is in a “significant relationship” (e.g., parent, guardian, school employee) with a minor); unlawful between a teacher, counselor, principal, or coach with a person under 20 enrolled in the school where the offender works).
- ⁵⁶ D.C. CODE §§ 22-3009, 3010.01 (2023) (where the actor is at least 18 and/or four years older than a child, defined by section 22-3001(3) as a person under 16).
- ⁵⁷ D.C. CODE §§ 46-403(4), -411 (2023) (16 with parent or guardian consent; otherwise, 18).
- ⁵⁸ D.C. CODE § 22-3011 (2023) (marital defense to child sexual abuse and sexual abuse of a minor).
- ⁵⁹ FLA. STAT. § 794.05 (unlawful for a person 24 or older to engage in sexual activity with a 16- or 17-year-old).
- ⁶⁰ FLA. STAT. § 775.0862 (2022) (“authority figure of a school” against a student of the school who is less than 18); *see also* § 794.011(8) (a person less than 18 cannot consent to conduct which would constitute sexual battery with “a person who is in a position of familial or custodial authority”).
- ⁶¹ FLA. STAT. § 794.05 (unlawful for a person 24 or older to engage in sexual activity with a 16- or 17-year-old).
- ⁶² FLA. STAT. § 741.04 (2022) (17 with parent or guardian consent and the older party is not more than two years older than the younger party; otherwise, 18).
- ⁶³ GA. CODE ANN. § 16-6-3(a) (2023).
- ⁶⁴ GA. CODE ANN. § 16-6-5.1(a)(5.1), (b), (b.1), (b.2) (2023) (applies to various relationships in which the actor is an employee or agent, including teachers while the minor is enrolled at school; foster parents with their current foster child; person “in a position of trust” defined as “an individual with whom a parent, guardian, or other person standing in loco parentis of a minor has entered into an agreement entrusting him or her with the responsibility of education and supervision of such minor”).
- ⁶⁵ However, Georgia decreases the offense from a felony to a misdemeanor if the victim is 14 or 15 and the other person is 18 or younger. GA. CODE ANN. § 16-6-3(c) (2023).
- ⁶⁶ GA. CODE ANN. § 19-3-2 (2023) (17 if emancipated and the older party is not more than four years older than the younger party, and the parties completed premarital education; otherwise, 18). Georgia imposes topical requirements for premarital education, which must be performed by a professional counselor, social worker, or marriage and family therapist; a psychiatrist; a psychologist; or an active member of the clergy. § 19-3-30.1.
- ⁶⁷ GA. CODE ANN. § 16-6-3(a) (2023) (“A person commits the offense of statutory rape when he or she engages in sexual intercourse with any person under the age of 16 and not his or her spouse . . .”). If a female is under 10 years old, marriage is not a defense. § 16-6-1(a)(2). There is no exception or defense for “improper sexual contact” in special relationships. § 16-6-5.1.
- ⁶⁸ HAW. REV. STAT. §§ 707-730(1)(b), 707-730(1)(c), 707-732 (2023).
- ⁶⁹ HAW. REV. STAT. §§ 707-731(1)(d), 707-733(1)(d) (2023) (a person commits sexual assault against a minor 16 or older when they are “acting in a professional capacity to instruct, advise, or supervise” the minor and engage in sexual contact with the minor).
- ⁷⁰ HAW. REV. STAT. §§ 707-730, -732, -733 (2023) (an element for the age-based offense of sexual assault is that the person is no less than five years older than the minor).
- ⁷¹ HAW. REV. STAT. § 572-1, 572-2 (2023) (15 with judicial approval and parent or guardian consent; otherwise, 18). Proposed legislation would raise the minimum marriage age to 18. H.B. 206, 32nd Leg., Reg. Sess. (Haw. 2023).
- ⁷² HAW. REV. STAT. §§ 707-730(1)(c), -731, -732, -733 (2023).
- ⁷³ IDAHO CODE § 18-6101(1)–(2) (2023).
- ⁷⁴ IDAHO CODE § 18-6101(1)–(2) (sexual intercourse constitutes rape when the victim is under 16 and the perpetrator is 18 or older; or when the victim is 16 or 17 and the perpetrator is three or more years older than the victim).
- ⁷⁵ IDAHO CODE § 32-202 (2023) (16 with parent or guardian consent and so long as the older party is not more than three years older than the younger party; otherwise, 18).
- ⁷⁶ IDAHO CODE § 18-6101(1)–(2) (2023).
- ⁷⁷ 720 ILL. COMP. STAT. § 5/11-1.60(c) (2023).
- ⁷⁸ 720 ILL. COMP. STAT. § 5/11-1.60(f) (2023) (where the actor is 17 or older and “holds a position of trust, authority, or supervision in relation to the victim.”).
- ⁷⁹ 720 ILL. COMP. STAT. § 5/11-1.60(d) (a person commits aggravated criminal sexual abuse where the minor is 13-16 and the person is at least five years older than the minor).

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- ⁸⁰ 750 ILL. COMP. STAT. §§ 5/203, /208 (2023) (16 with parent or guardian consent or judicial approval; otherwise, 18). Proposed legislation in Illinois would require parties to be 18 years old and repeals the ability to marry at 16 with parent or guardian consent or judicial approval. H.B. 1252, 103rd Gen. Assemb., 1st Reg. Sess. (Ill. 2023).
- ⁸¹ IND. CODE § 35-42-4-9 (2023).
- ⁸² IND. CODE § 35-42-4-7 (2023) (child seduction occurs when there is sexual intercourse or sexual conduct between a minor and person in a position of authority or trust in relation to the minor, a person who has or had a professional relationship with the minor, or a law enforcement officer).
- ⁸³ IND. CODE § 35-42-4-9(e) (2023) (providing a defense where the actor is not more than four years older than the victim, there is an ongoing personal relationship between the parties, the actor is less than 21, the act was not committed by using or threatening force, and the actor was not in a position of authority over the victim). Additionally, the level of felony increases or decreases based on the age difference between the parties. § 35-42-4-9(a). The child seduction statute is also subject to close-in-age exceptions. § 35-42-4-7.
- ⁸⁴ IND. CODE §§ 31-11-1-4, -5, -7 (2023) (16 with emancipation and judicial approval, so long as the older party from is not more than four years older than the younger party; the statute also provides a list of criteria under which the court shall deny a petition, including if the intended spouse “is or was in a position of authority or special trust in relation to the minor”; otherwise, 18).
- ⁸⁵ IOWA CODE § 709.1(3) (2023) (sexual abuse is defined as a sexual act between persons in which one of the persons is a child). A child is defined as a person under 14. § 702.5.
- ⁸⁶ IOWA CODE § 709.4(1)(b) (2023) (sexual abuse in the third degree occurs when there is a sexual act with a person who is 14 or 15, subject to the presence of an additional criterion: a special relationship between the parties, the persons are members of the same household, the persons are related by blood, or the actor is four or more years older than the 14- or 15-year-old).
- ⁸⁷ IOWA CODE § 709.14 (2023) (lascivious conduct with a minor is prohibited with a person of authority 18 years or older).
- ⁸⁸ IOWA CODE § 709.15 (2023) (“sexual exploitation by counselor, therapist, school employee, or adult providing training or instruction”).
- ⁸⁹ IOWA CODE § 709.4(1)(b) (2023) (sexual abuse in the third degree occurs when there is a sexual act with a person who is 14 or 15 where the actor is four or more years older than the 14- or 15-year-old).
- ⁹⁰ IOWA CODE § 595.2 (2023) (16 with parent or guardian consent and judicial approval; otherwise, 18).
- ⁹¹ IOWA CODE § 709.4(1)(b)(2) (2023) (marital exception to sexual abuse in the third degree); § 709.8(1) (2023) (marital exception to “lascivious acts with a child”). There is no marital exception to “lascivious conduct with a minor” between a minor and a person 18 or older and in a position of authority with relation to the minor.
- ⁹² KAN. STAT. ANN. § 21-5506 to -5507 (2023).
- ⁹³ KAN. STAT. ANN. § 21-5512(a)(8)–(9) (2023) (creating the offense of “unlawful sexual relations” that presumably applies in several relationships with a person age 16 and older, including a person in a position of authority in a foster home with a foster child and a teacher or person in a position of authority within a school with a student enrolled there).
- ⁹⁴ KAN. STAT. ANN. § 21-5507 (“Unlawful voluntary sexual relations” occurs even when the parties are close in age.).
- ⁹⁵ KAN. STAT. ANN. § 23-2505 (2023) (15 with judicial approval that the marriage is “in the best interest” of the 15-year-old; 16 or 17 with parent or guardian consent; otherwise, 18).
- ⁹⁶ KAN. STAT. ANN. § 21-5512(a) (2023) (marital exception to unlawful sexual relations).
- ⁹⁷ KAN. STAT. ANN. § 21-5506(e) (2023) (marital defense to prosecution of indecent liberties with a child and aggravated indecent liberties with a child); § 5503(d) (2023) (marital defense to prosecution of rape for sexual intercourse with a child under 14); § 21-5504(e) (providing same for criminal sodomy and aggravated criminal sodomy).
- ⁹⁸ KY. REV. STAT. ANN. § 510.020(3)(a) (West 2023) (a person is “incapable of consent” when they are less than 16 years old). Proposed legislation would raise the overall age of consent to 18 years old. H.B. 491, 2023 Gen. Assemb., Reg. Sess. (Ky. 2023).
- ⁹⁹ KY. REV. STAT. ANN. § 510.110(d) (West 2023) (being “in a position of authority” or “position of special trust” and subjecting a minor less than 18 years old to sexual contact is sexual abuse in the first degree).
- ¹⁰⁰ KY. REV. STAT. ANN. § 510.020(3)(b) (West 2023) (a person under 18 is “incapable of consent” where the actor is at least ten years older than the minor); *see also* § 510.110(1)(c) (sexual abuse in the first degree where a person

21 or older engages in sexual contact with a person less than 16). Proposed legislation would raise the overall age of consent to 18 years old. H.R. 491, 2023 Gen. Assemb., Reg. Sess. (Ky. 2023).

¹⁰¹ KY. REV. STAT. ANN. § 402.205, .210 (West 2023) (17 with judicial approval, which involves several statutory requirements, including, among others: parent or guardian consent; evidence of maturity, including stable housing or employment for at least three consecutive years and proof of completion of high school or equivalent; copies of criminal records and domestic violence or interpersonal protective orders involving either party; the age difference to be not more than four years; prohibition on the intended spouse being or having been in a position of authority or position of special trust; a best interest assessment; lack of conviction of crime and protective order).

¹⁰² KY. REV. STAT. ANN. § 402.020 (West 2023).

¹⁰³ KY. REV. STAT. ANN. § 510.035 (West 2023) (marriage is an exception to the law against sexual contact with a person under 16). Proposed legislation would raise the age in the exception to 18. H.B. 491, 2023 Gen. Assemb., Reg. Sess. (Ky. 2023).

¹⁰⁴ LA. STAT. ANN. §§ 14:80(A)(1), :80.1(A) (2023); § 43.1(A)(2).

¹⁰⁵ LA. STAT. ANN. § 14:81.4(A) (2023) (prohibiting sexual conduct between educator and student ages 17-21 if the age difference is greater than four years).

¹⁰⁶ LA. STAT. ANN. §§ 14:80(A)(1), :80.1(A) (2023) (“Felony carnal knowledge of a juvenile” includes sexual intercourse between a 17-year-old and a person 13-17, where the age difference is four or more years; “misdemeanor carnal knowledge of a juvenile” applies when the age difference is two to four years); § 14:81.4 (prohibiting sexual conduct between educator and student ages 17-21 if the age difference is greater than four years); § 43.1 (sexual battery occurs where the victim is under 15 and the offender is at least three years older).

¹⁰⁷ LA. CHILD. CODE ANN. arts. 1545, 1547, 1548 (2023) (16 with judicial approval and either parent or guardian consent or tutor consent; among other requirements, judicial approval requires the court to find a compelling reason for authorizing the marriage and consider the best interest of the minor through inquiring whether there is evidence of human trafficking, domestic violence, coercion, duress, or undue influence, which includes considering whether one prospective spouse is in a position of authority over the other).

¹⁰⁸ LA. STAT. ANN. §§ 14:80(A)(1), :80.1(A) (2023) (marital exception to “felony carnal knowledge of a juvenile” and “misdemeanor carnal knowledge of a juvenile”); § 14:81.4(A) (marital exception to “prohibited sexual conduct between educator and student”).

¹⁰⁹ ME. STAT. tit. 17-A, § 254(1)(A) (2023) (sexual abuse of a minor occurs when there is a sexual act between a 14- or 15-year-old and an actor at least five years older).

¹¹⁰ ME. STAT. tit. 17-A, § 254(1)(C) (2023) (sexual abuse of a minor occurs where a person at least 21 years old and a teacher, employee, or other official in the school district engages in a sexual act with a 16- or 17-year-old enrolled as a student in that district); § 255-A (including additional special relationships constituting unlawful sexual contact with a minor under 18); § 253 (including same).

¹¹¹ ME. STAT. tit. 17-A, § 254(1)(A) (2023) (sexual abuse of a minor occurs when there is a sexual act between a 14- or 15-year-old and an actor at least five years older); § 254(1)(C) (2023) (sexual abuse of a minor occurs where a person at least 21 years old and a teacher, employee, or other official in the school district engages in a sexual act with a 16- or 17-year-old enrolled as a student in that district).

¹¹² 2023 Me. Legis. Serv. Ch. 116 (H.P. 276) (West). Legislation was enacted changing the minimum marriage age to 17 on June 1, 2023. *Id.* Previously, the age minimum was 16 with parent or guardian consent or judicial approval. Now, the minimum age is 17 with parent or guardian consent or judicial approval; otherwise, 18.

¹¹³ ME. STAT. tit. 17-A, §§ 254(1), 255-A (2023) (listing several exceptions where the parties are married, such as certain age-based sex offenses based on age differences where the parties are married, including where the minor is less than 12 years old, and the offender is more than three years older).

¹¹⁴ MD. CODE ANN., CRIM. LAW, § 3-308 (West 2023).

¹¹⁵ MD. CODE ANN., CRIM. LAW, § 3-308(c) (West 2023).

¹¹⁶ MD. CODE ANN., CRIM. LAW § 3-308(b)(2)–(3) (sexual offense in the fourth degree occurs where there is sexual contact or vaginal intercourse between a victim 14-15 years old if the person is at least four years older). Recently enacted legislation redefined the definition of position of authority and imposes different age difference provisions for sexual acts between minor students and persons in a position of authority (it is unlawful where the person in a position of authority is at least six years older than the minor student). 2023 Md. Laws Ch. 730 (H.B. 226).

¹¹⁷ MD. CODE ANN., FAM. LAW, § 2-301 (West 2023) (17 with parent or guardian consent and judicial approval; or if the woman is pregnant or has given birth and submits a certificate from a physician *and* with judicial approval; otherwise, 18); *see also* § 5-2A-01 to -04 (providing requirements to obtain judicial approval, including denying

approval where one party is or was in a position of authority or in a position of special trust relative to the minor or evidence of certain crimes or protective orders).

¹¹⁸ The spousal defense was repealed by recent legislation. 2023 Md. Laws Ch. 728 (H.B. 4).

¹¹⁹ MASS. GEN. LAWS ch. 265, § 23 (2023) (criminalizing “sexual intercourse or unnatural sexual intercourse” with a child under 16). Proposed legislation would amend this provision to “support[] consenting young adults” and permit sexual intercourse between a minor 13-16 years old and another not more than two years older. H.B. 1617, 193rd Gen. Ct. Commw. Mass. (Mass. 2023).

¹²⁰ MASS. GEN. LAWS ch. 272, § 4 (2023) (unlawful to induce a person under 18 “of chaste life” to have “unlawful sexual intercourse”). Proposed legislation would repeal this section. H.B. 1617, 193rd Gen. Ct. Cmmw. Mass. (Mass. 2023).

¹²¹ MASS. GEN. LAWS ch. 207, § 7 (2022).

¹²² MICH. COMP. LAWS §§ 750.520b–e (2023).

¹²³ MICH. COMP. LAWS § 750.520d(1)(e) (2023) (18 if the victim is enrolled as a student at a public or nonpublic school, and the actor is a teacher, substitute teacher, administrator, or other employee, contractor, or volunteer at the school); § 750.520d(1)(f) (26 if the victim is receiving special education services and the actor is a teacher, substitute teacher, administrator, or other employee, contractor, or volunteer at the school); § 750.520d(1)(g) (16 or older if the victim is living in a foster home and the actor is an employee, contractual service provider, or volunteer of a child care organization, or the person operating the foster home).

¹²⁴ The governor of Michigan signed a package of laws outlawing child marriage on July 11, 2023. 2023 Mich. Legis. Serv. 71 (West). Previously, there was no minimum marriage age. MICH. COMP. LAWS §§ 551.51 (2023) (the 16-year-old marriage floor is made subject to § 551.201–204, which permits a probate judge to marry persons under marriageable age “without publicity” and with parent or guardian consent).

¹²⁵ MICH. COMP. LAWS § 750.520d (2023) (marital exception for special relationships, but not for non-special relationships for a minor under 16). Proposed legislation would revise this section to remove the marriage exception where a student is 16-18 years old. It would retain the marriage exception in the situation where the individual is receiving special education services but add a requirement that both persons be 18 years old. S. Res. 217, 102nd Leg., Reg. Sess. (Mich. 2023).

¹²⁶ MINN. STAT. §§ 609.342–345 (2023).

¹²⁷ MINN. STAT. §§ 609.342–345 (2023) (if the actor is in a “current or recent position of authority” or has a “significant relationship” with the victim); *see also* § 609.341 (2023) (defining position of authority).

¹²⁸ Minnesota provides various age differences which impact both the degree of the offense and whether the sexual conduct is an offense at all based on the age difference. MINN. STAT. §§ 609.342–345 (2023).

¹²⁹ MINN. STAT. § 517.02 (2023).

¹³⁰ MISS. CODE ANN. § 97-3-95(1)(c)–(d) (2023) (14 if the person is 24 or more months older than the child; 16 if the person is 36 or more months older than the child).

¹³¹ MISS. CODE ANN. § 97-3-95(2) (2023) (if the person is “in a position of trust or authority over the child, including without limitation the child’s teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader or coach.”).

¹³² MISS. CODE ANN. § 97-3-95(1)(c)–(d) (2023) (14 if the person is 24 or more months older than the child; 16 if the person is 36 or more months older than the child).

¹³³ MISS. CODE ANN. § 93-1-5 (2023) (permitting males at least 17 and females at least 15 to marry, and requires parent or guardian consent for anyone under age 21; however, permits waiver of the 15/17 age minimum if “satisfactory proof is furnished to the judge . . . that sufficient reasons exist and that the parties desire to be married to each other and that the parents or other person in loco parentis of the person or persons so under age consent to the marriage”).

¹³⁴ MISS. CODE ANN. § 97-3-65 (2023). Effective July 1, 2023, the spousal exception will only apply to a person 17 years or older who has sexual intercourse with a child who is 14-16. The exception will no longer apply to a person who has sexual intercourse with a child who is under 14. 2023 Miss. Laws 995.

¹³⁵ MO. REV. STAT. §§ 566.032, .034 (2023) (first degree statutory rape is sexual intercourse with any person less than 14; second degree statutory rape is sexual intercourse between a person 21 or older and a person less than 17).

¹³⁶ MO. REV. STAT. § 566.086 (2023) (sexual contact with a student).

¹³⁷ MO. REV. STAT. § 566.034 (2023) (second degree statutory rape is sexual intercourse between a person 21 or older and a person less than 17).

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- ¹³⁸ MO. REV. STAT. § 451.090 (2023) (16 with parent or guardian consent, and so long as the older party is not 21 or older; otherwise, 18).
- ¹³⁹ MO. REV. STAT. § 566.023 (2023) (marriage is an affirmative defense to first- and second-degree statutory rape, first- and second-degree statutory sodomy, and child molestation).
- ¹⁴⁰ MONT. CODE ANN. § 45-5-501(1)(b)(iv) (2021).
- ¹⁴¹ MONT. CODE ANN. § 45-5-501(b)(v), (b)(vi), (viii), (x) (2021) (providing a victim is incapable of consent in several age-based situations, including: a person incarcerated in a juvenile correctional, detention, or treatment facility or on probation, conditional release, or parole with an employee with supervisory or disciplinary authority over the victim; a person receiving services from a youth care facility or residential facility with an employee of the facility with supervisory or disciplinary authority or providing treatment to the victim; a participant in an adolescent residential or outdoor program with a person associated with the program; and a student K-12 with an employee, contractor, or volunteer of the school who has ever had instructional, supervisory, disciplinary, or other authority over the student in a school setting).
- ¹⁴² MONT. CODE ANN. §§ 40-1-202, 213 (2023) (16 with parent or guardian consent, marriage counseling, and judicial approval; otherwise, 18).
- ¹⁴³ MONT. CODE ANN. § 45-5-501(c)–(e), (g) (2021) (marital exception to special relationships).
- ¹⁴⁴ NEB. REV. STAT. § 28-319 (2023) (first degree sexual assault when the actor is 19 or older and the victim is less than 16); § 28-319.01 (sexual assault of a child when the actor is 25 or older and the victim is less than 16).
- ¹⁴⁵ NEB. REV. STAT. § 28-316.01 (2023) (sexual abuse by a school employee); § 28-322.04 (sexual abuse of a protected individual, defined as an individual in the care or custody of the Department of Health and Human Services).
- ¹⁴⁶ NEB. REV. STAT. § 28-319 (2023) (first degree sexual assault when the actor is 19 or older and the victim is less than 16); § 28-319.01 (sexual assault of a child when the actor is 25 or older and the victim is less than 16).
- ¹⁴⁷ NEB. REV. STAT. §§ 42-102, 42-105, 43-2101 (2023) (17 with parent or guardian consent; otherwise, 19).
- ¹⁴⁸ NEV. REV. STAT. §§ 200.364, 366, 368 (2023).
- ¹⁴⁹ NEV. REV. STAT. §§ 201.540, .550 (2023) (between a student K-12 or at college or university and an employee 21 or older).
- ¹⁵⁰ NEV. REV. STAT. § 201.555 (2023) (where the person is 25 or older and in a “position of authority” relative to the minor).
- ¹⁵¹ “The definition of “statutory sexual seduction” does not apply to an actor under 18 and requires that the victim be at least four years younger than the perpetrator. Nev. Rev. Stat. § 200.364(10). The age-based offense section of the “sexual assault” statute does not apply to an actor under 18 so long as they are not more than two years older than the other person (and so long as the person did not use force and the victim was not mentally or physically incapable of resisting or understanding the conduct). NEV. REV. STAT. § 200.366(5).
- ¹⁵² NEV. REV. STAT. §§ 122.020, .025 (2023) (17 with parent or guardian consent and judicial approval, but only in “extraordinary circumstances” and a finding by “clear and convincing evidence” that the marriage “will serve the best interests of the minor”, and pregnancy alone does not establish best interests; otherwise, 18).
- ¹⁵³ NEV. REV. STAT. § 200.373 (2023) (marriage is not an exception to forcible rape); §§ 201.540, .550, .555 (2023) (marriage is an exception for student and employee sexual intercourse and sexual intercourse between a person in a position of authority and a minor).
- ¹⁵⁴ N.H. REV. STAT. ANN. §§ 632-A:3(II), A:4(I)(b)–(c) (2023).
- ¹⁵⁵ N.H. REV. STAT. ANN. § 632-A:3 (2023) (unspecified age where the actor is in a position of authority); *see also* § 632-A:2(k) (2021) (18 where the actor is in a position of authority and more than four years older than the minor).
- ¹⁵⁶ The “position of authority” offenses are subject to a close-in-age provision. N.H. REV. STAT. ANN. § 632-A:3(III) (2023); § 632-A:2(k) (2021) (where the actor is in a position of authority and more than four years older than the victim).
- ¹⁵⁷ N.H. REV. STAT. ANN. §§ 457:4, :5, :6, :7, :8 (2023) (16 with parent or guardian consent and a judicial finding by clear and convincing evidence that the marriage is in the best interest of the minor, and “in no circumstance shall a justice or judge grant permission to marry under this section if sexual contact or sexual penetration between the parties would, but for the solemnization of the proposed marriage, constitute sexual assault, felonious assault, or aggravated felonious sexual assault under RSA 632-A”; otherwise, 18).
- ¹⁵⁸ N.H. REV. STAT. ANN. § 632-A:5 (2023).
- ¹⁵⁹ N.J. STAT. ANN. § 2C:14-2(c)(4) (West 2023).

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- ¹⁶⁰ N.J. STAT. ANN. § 2C:14-2(c)(3), (c)(5) (West 2023) (18 where the actor is related to the victim, has “supervisory or disciplinary power” over the victim, or is a “resource family parent, a guardian, or stands in loco parentis within the household”; 22 where the victim is a pupil and has not received a high school diploma, and the actor is a school employee with “supervisory or disciplinary power” over the victim).
- ¹⁶¹ N.J. STAT. ANN. § 2C:14-2(c)(4) (West 2023) (sexual penetration constitutes sexual assault where the victim is least 13 but less than 16, and the actor is at least four years older)
- ¹⁶² N.J. STAT. ANN. § 37:1-6 (West 2023).
- ¹⁶³ N.M. STAT. ANN. § 30-9-11(G)(1) (2023).
- ¹⁶⁴ N.M. STAT. ANN. § 30-9-11(G)(2) (2023) (where the perpetrator is a school employee and the minor is a student enrolled in the school); § 30-9-13 (2023) (where the perpetrator is in a “position of authority over the child”); *see also* § 30-9-10 (2023) (defining position of authority).
- ¹⁶⁵ N.M. STAT. ANN. § 30-9-11(G)(1)–(2) (2023) (where the perpetrator is at least 18 years old and at least four years older than the victim).
- ¹⁶⁶ N.M. STAT. ANN. § 40-1-6 (2023) (under 16 with judicial authorization upon the request of a parent or guardian, or where the minor is pregnant; 16 or 17 with parent or guardian consent or emancipation; otherwise, 18).
- ¹⁶⁷ N.M. STAT. ANN. §§ 30-9-11(G)(1)–(2), 30-9-13 (2023).
- ¹⁶⁸ N.Y. PENAL LAW § 130.05(3)(a) (McKinney 2023).
- ¹⁶⁹ N.Y. PENAL LAW § 130.05(3)(g) (McKinney 2023).
- ¹⁷⁰ N.Y. DOM. REL. LAW § 15-a (McKinney 2023) (making it a misdemeanor offense for any clerk who knowingly issues a marriage license to persons under 18).
- ¹⁷¹ N.Y. PENAL LAW § 130.05(3)(g) (McKinney 2023) (marital exception where victim is in care or custody of office of children and family services).
- ¹⁷² N.Y. PENAL LAW § 130.10(4) (McKinney 2023) (marital defense where lack of consent is due to victim being under 17).
- ¹⁷³ N.C. GEN. STAT. §§ 14-27.25, .30 (2023). Proposed legislation would raise the age of consent to 18. S. Res. 464, 2023 Gen. Assemb., Reg. Sess. (N.C. 2023).
- ¹⁷⁴ N.C. GEN. STAT. §§ 14-27.31, .32 (2023) (sexual activity by a “substitute parent or custodian”; “sexual activity with a student”).
- ¹⁷⁵ N.C. GEN. STAT. §§ 14-27.25, .30 (2023) (statutory sexual assault or sexual offense where the defendant is at least six years older than the victim under 15); § 14-27.32 (sexual activity with a student is unlawful if the defendant is at least four years older than the victim).
- ¹⁷⁶ N.C. GEN. STAT. §§ 51-2, 51-2.1 (2023) (16 with parent or guardian consent and judicial approval or emancipation, so long as the age difference is not more than four years; otherwise, 18). The judicial approval process has several requirements, including appointment of a guardian ad litem and a best interest assessment.
- ¹⁷⁷ N.C. GEN. STAT. §§ 14-27.25, .30, .32 (2023) (marital exception for statutory sexual assault, statutory sexual offense, and sexual activity with a student).
- ¹⁷⁸ N.D. CENT. CODE § 12.1-20-03 (2023) (under 15 for “gross sexual imposition”); § 12.1-20-05 (under 18 for “corruption or solicitation of minors”).
- ¹⁷⁹ N.D. CENT. CODE § 12.1-20-07(1)(e)–(f) (2023) (prohibiting “sexual contact” where the victim is a minor 15 or older, and the actor is the person’s parent, guardian, or “otherwise responsible for general supervision of the person’s welfare”; and where the person is a minor 15 or older and the actor is an adult).
- ¹⁸⁰ N.D. CENT. CODE § 14-03-02 (2023) (16 with parent or guardian consent; otherwise, 18).
- ¹⁸¹ OHIO REV. CODE ANN. § 2907.04(A) (West 2023).
- ¹⁸² OHIO REV. CODE ANN. § 2907.03(A)(7)–(9), (12)–(13) (West 2023) (sexual battery where one party is a minor and the offender is in a special relationship relative to the minor, such as a teacher, coach, administrator, cleric, or peace officer).
- ¹⁸³ OHIO REV. CODE ANN. § 2907.04(A) (unlawful sexual conduct with a minor occurs where the offender is 18 or older, and the minor is less than 16).
- ¹⁸⁴ OHIO REV. CODE ANN. § 3101.01–3101.05 (West 2023) (17 with juvenile court consent and so long as the age difference is not more than four years; otherwise, 18). Among other things, the juvenile court must appoint a guardian ad litem for the minor party and determine that the marriage is in the best interest of the minor.
- ¹⁸⁵ OHIO REV. CODE ANN. §§ 2907.02 to .05 (West 2023) (providing spousal exception for sexual conduct, even in special relationships or when the minor is under thirteen). Proposed legislation would “eliminate the spousal

exceptions for rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition [and] sexual imposition[.]” H.B. 161, 135th Gen. Assemb., Reg. Sess. (Ohio 2023).

¹⁸⁶ OKLA. STAT. tit. 21, § 1111(A)(1) (2023).

¹⁸⁷ OKLA. STAT. tit. 21, § 1111(A)(8)–(10) (2023) (20 where the victim is a student K-12 and the perpetrator is an employee of the school; 20 where the victim is “in the legal custody of a state agency, federal agency, or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant.”; unspecified age where the victim is a student at a secondary school and concurrently enrolled at an institution of higher education, and the perpetrator is an employee of the institution of higher education).

¹⁸⁸ A student and employee at an institution of higher education may consent to sexual activity where the employee is also an enrolled student and is not more than three years older than the student. OKLA. STAT. tit. 21, § 1111(A)(10), (B) (2023).

¹⁸⁹ OKLA. STAT. tit. 43, § 3 (2023) (no minimum age where the “unmarried female is pregnant” or has given birth, and with parent or guardian consent; 16 with parent or guardian consent or judicial approval; otherwise, 18).

¹⁹⁰ OR. REV. STAT. § 163.315(1)(a) (2023).

¹⁹¹ OR. REV. STAT. § 163.425(1)(b) (2023) (if the person was the victim’s coach or teacher at any time before the offense).

¹⁹² OR. REV. STAT. § 163.345 (2023) (it is a defense that the actor was less than three years older than the victim). Additionally, the age of consent based on the actor’s position as a teacher or coach is subject to the actor being 21 or older. Or. Rev. Stat. § 163.425(1)(b) (2023).

¹⁹³ OR. REV. STAT. §§ 106.010, .050, .060 (2023) (17 with parent or guardian consent; otherwise, 18).

¹⁹⁴ 18 PA. STAT. & CONS. STAT. § 3122.1 (2023).

¹⁹⁵ 18 PA. STAT. & CONS. STAT. § 3124.3 (2023) (sexual assault by a sports official, volunteer, or employee of nonprofit association); § 3124.2(a.1)–(a.2) (institutional sexual assault and schools).

¹⁹⁶ 18 PA. STAT. & CONS. STAT. § 3122.1 (2023) (statutory sexual assault is subject to the person being at least four years older than the complainant).

¹⁹⁷ 23 PA. STAT. & CONS. STAT. § 1304(b) (2023).

¹⁹⁸ 18 PA. STAT. & CONS. STAT. § 3122.1(a) (2023) (exception to statutory sexual assault, but not for rape of a child under 13).

¹⁹⁹ 11 R.I. GEN. LAWS § 11-37-6(b)(1) (2023).

²⁰⁰ 11 R.I. GEN. LAWS § 11-37-6(b)(2) (2023) (where the accused has “supervisory or disciplinary power over the victim by virtue of the accused’s legal, professional, or occupational status” or is “acting in a position of authority” relative to the victim).

²⁰¹ 11 R.I. GEN. LAWS § 11-37-6(b)(1), (b)(2)(iii) (2023) (third-degree sexual assault occurs where the accused is over 18 and the victim is under 16; consensual sexual activity between a minor and a person in a position of authority relative to the minor where the parties are both between 16-20 and no more than 30 months apart).

²⁰² 15 R.I. GEN. LAWS § 15-2-14 (2023).

²⁰³ S.C. CODE ANN. § 16-3-655(C) (2023).

²⁰⁴ S.C. CODE ANN. § 16-3-755(B)–(D) (2023) (between a student and employee of the school where the student is enrolled).

²⁰⁵ S.C. CODE ANN. § 16-3-655(C) (2023) (third degree criminal sexual conduct with a minor does not apply if the actor is 18 or less and the minor is at least 14).

²⁰⁶ S.C. CODE ANN. §§ 20-1-100, -250 (2023) (16 with parent or guardian consent; otherwise, 18). Proposed legislation would raise the minimum marriage age to 18 and repeal the parent or guardian consent exceptions. S. Res. 34, 125th Gen. Assemb., 1st Reg. Sess. (S.C. 2023).

²⁰⁷ S.C. CODE ANN. § 16-3-658 (2023) (spousal exception to criminal sexual conduct for several crimes, including criminal sexual conduct with a minor, unless the couple is living apart and the offense is reported within 30 days; exception does not apply to a “purported marriage” entered into by a male under 16 and a female under 14).

²⁰⁸ S.D. CODIFIED LAWS §§ 22-22-1, -7, -7.3 (2023).

²⁰⁹ S.D. CODIFIED LAWS § 22-22-7.8 (2023) (sexual contact is a felony where the person is five years older than the victim and “in a position of authority”).

²¹⁰ S.D. CODIFIED LAWS § 22-22-1 (2023) (sexual contact constitutes statutory rape where the victim is under 16 and the person is at least three years older); § 22-22-7.3 (where both parties are under 16, the violation is a misdemeanor rather than a felony); § 22-22-7.8 (for the age of consent where the actor is in a “position of authority” to apply, the person must be at least 18 and five years older than the victim).

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- ²¹¹ S.D. CODIFIED LAWS § 25-1-9 (2023) (16 with one parent or guardian’s consent; otherwise, 18).
- ²¹² S.D. CODIFIED LAWS §§ 22-22-7, -7.3, -7.8 (2023) (containing marital exceptions to sexual contact with a child under sixteen and sexual contact with a child under 18 where the person is in a position of authority). There is no marital exception for statutory rape. § 22-22-1 (a victim under 16 with a person at least three years older).
- ²¹³ TENN. CODE ANN. § 39-13-506 (2023).
- ²¹⁴ TENN. CODE ANN. §§ 39-13-509, -527 (2023) (sexual contact, sexual battery, and statutory rape of a minor by an “authority figure”).
- ²¹⁵ TENN. CODE ANN. § 39-13-506 (2023) (sexual penetration constitutes statutory rape where the victim is under 18 and the offender is at least four years older, with increased penalties as the age difference increases); § 39-13-509 (sexual contact with a minor by an authority figure applies where the offender is at least four years older). However, sexual battery by an authority figure is not subject to the close-in-age exception. § 39-13-527.
- ²¹⁶ TENN. CODE ANN. § 36-3-105 (2023) (provided that the other party is not more than four years older than the minor; otherwise, 18).
- ²¹⁷ TENN. CODE ANN. 39-13-501(8) (2023) (“Victim . . . includes the spouse of the defendant.”).
- ²¹⁸ TEX. PENAL CODE ANN. § 22.011(a)(2), (c)(1) (West 2023).
- ²¹⁹ TEX. PENAL CODE ANN. § 21.12 (West 2023) (improper relationship between educator and student).
- ²²⁰ TEX. PENAL CODE ANN. § 21.11 (West 2023) (it is an affirmative defense to prosecution for sexual contact with a child that the actor is not more than three years older than the victim); § 21.12 (it is an affirmative defense to prosecution for an improper relationship between educator and student that the actor was not more than three years older than the student and the two parties were in a relationship before the actor’s employment at the school).
- ²²¹ TEX. FAM. CODE ANN. §§ 2.101, 2.003 (West 2023) (permitting issuance of marriage license to minor who has been emancipated). Minors may be emancipated in Texas at 16 or 17 years old. § 31.001(a) (West 2023). Proposed legislation would raise the minimum age to 18, regardless of whether the minor has been emancipated. H.R. 924, 88th Leg. (Tex. 2023).
- ²²² TEX. PENAL CODE ANN. § 22.011(e) (marriage is an affirmative defense to sexual assault of a child ages 14-17); *see also* § 21.12(b-1)(1) (West 2023) (marriage is an affirmative defense to improper relationship between educator and student).
- ²²³ UTAH CODE ANN. § 76-5-401.2 (LexisNexis 2023) (unlawful sexual conduct with a 16- or 17-year-old).
- ²²⁴ UTAH CODE ANN. § 76-5-406(2)(j) (LexisNexis 2023) (where the actor was the victim’s “parent, stepparent, adoptive parent, or legal guardian or occupied a position of special trust in relation to the victim”); *see also* § 76-5-404.1(1)(a)(iv) (defining position of special trust).
- ²²⁵ UTAH CODE ANN. § 76-5-401.2 (2023) (unlawful sexual conduct with a 16- or 17-year-old occurs where the actor is seven or more years older than the minor); § 76-5-401.1 (sexual abuse of a 14- or 15-year-old occurs where the actor is at least four years older than the minor); § 76-5-402.1 (rape of a child (under 14) does not apply if the actor is under 18).
- ²²⁶ UTAH CODE ANN. §§ 30-1-2, 30-1-9 (LexisNexis 2023) (16 with parent or guardian consent and judicial approval, including a determination the marriage is in the best interest of the minor, mandatory premarital counseling, and a requirement that the age difference between the parties is not more than seven years; otherwise, 18).
- ²²⁷ UTAH CODE ANN. § 76-5-407 (LexisNexis 2023) (“The provisions of this part do not apply to consensual sexual conduct between individuals married to each other.”). The “part” this section refers to is Part 4 of Chapter 5 of the Utah Criminal Code – Sexual Offenses.
- ²²⁸ VT. STAT. ANN. tit. 13, § 3252(c) (2023).
- ²²⁹ VT. STAT. ANN. tit. 13, § 3252(d) (2023) (unlawful to engage in sexual acts with a child who is “entrusted to the actor’s care by authority of law” or is the actor’s child, grandchild, foster child, adopted child, or stepchild); *see also* § 3258(a) (unlawful to engage in sexual acts with a minor if the actor is 48 months or more older than the minor and the actor is in a “position of power, authority, or supervision” over the minor).
- ²³⁰ VT. STAT. ANN. tit. 13, § 3252(c) (2023) (exception where the actor is less than 19, the child is at least 15, and the act is consensual); § 3258 (sexual acts between a minor and a person in a position of authority are unlawful if the actor is at least 48 months older than the minor).
- ²³¹ VT. STAT. ANN. tit. 18, § 5142 (2023). The Vermont governor signed a bill to raise the marriage age from 16 to 18 (no exceptions) on April 20, 2023. H.R. 148, 2023 Leg., Reg. Sess., 2023 Vermont Laws No. 8. The new law became effective on July 1, 2023.
- ²³² VT. STAT. ANN. tit. 13, § 3252(c)(1) (2023) (marital exception for sexual acts with a child under 16).

²³³ VA. CODE ANN. § 18.2- 63 (2023).

²³⁴ VA. CODE ANN. § 18.2-64-1.1(A) (2023) (“taking indecent liberties with a child by person in custodial or supervisory relationship”).

²³⁵ VA. CODE ANN. § 18.2-371 (2023) (statute applies where the person is 18 or older); § 18.2-370 (“taking indecent liberties with child by person in custodial or supervisory relationship” applies where custodian or supervisor is 18 or older).

²³⁶ VA. CODE ANN. § 20-48 (2023) (requiring a minimum age of 18 or emancipation). Minors can be emancipated when they turn 16. § 16.1-331. The court must make written findings in order to emancipate a minor “on the basis of intent to marry”, including consideration of the age difference between the parties and a determination that it is in the best interests of the minor. § 16.1-333.1.

²³⁷ VA. CODE ANN. § 18.2-371 (2023) (exception for “causing or encouraging acts rendering children delinquent, abused, etc.” ages 15 or older); § 18.2-370 (exception for exposing genitals to or proposing fondling child under age 15); § 18.2-370.1 (exception for exposing genitals, proposing fondling, and proposing sex acts, where the actor is over 18 and in a supervisory relationship over the child). There is no defense for statutory rape of a child under 13, carnal knowledge of child 13-15, or sexual abuse of a child under 15. *See* §§ 18.2-61, 18.2-63, 18.2-67.4:2.

²³⁸ WASH. REV. CODE § 9A.44.079 (2023) (where the perpetrator is at least 48 months older than the victim).

²³⁹ WASH. REV. CODE § 9A.44.093 (2023) (18 where the perpetrator is 60 months older than the victim, “in a significant relationship to the victim, and abuses a supervisory position within that relationship[.]”); § 9A.44.096 (21 if the person is a school employee and the victim is a student).

²⁴⁰ WASH. REV. CODE § 9A.44.079 (2023) (third degree sexual misconduct where the perpetrator is at least 48 months older than the victim); § 9A.44.093 (sexual misconduct with a minor in the first degree, where the perpetrator is in a significant relationship to the victim and 60 months older than the victim).

²⁴¹ WASH. REV. CODE §§ 26.04.010, 26.04.210 (2023) (judges can waive the marriage requirement “on a showing of necessity” for minors under 17; 17 with parent or guardian consent; otherwise, 18). Proposed legislation would raise the minimum age to 18, no exceptions. S.B. 5695, 68th Leg., Reg. Sess. (Wash. 2023).

²⁴² W. VA. CODE § 61-8B-2(c)(1) (2023).

²⁴³ W. VA. CODE § 61-8D-5 (2023) (sexual abuse by a parent, guardian, custodian, or other person in a position of trust to a child); § 61-8B-11b(a) (prohibiting sexual intercourse against students by school employees).

²⁴⁴ W. VA. CODE § 61-8B-5 (2023) (where the defendant is 16 or older and at least four years older than the person); § 61-8B-9 (defense where the actor was less than 16 or the actor was less than four years older than the victim); § 61-8D-5 (sexual abuse by a parent, guardian, custodian, or other person in a position of trust to a child does not apply where the actor is less than four years older than the child).

²⁴⁵ W. VA. CODE § 48-2-301 (2023) (16 with parent or guardian consent, and so long as the other party is not more than four years older; otherwise, 18).

²⁴⁶ W. VA. CODE §§ 61-8B-3(a)(2), 61-8B-5(a)(2) (2023) (marital exceptions for sexual assault in the first and third degrees). However, “married” for purposes of the West Virginia Sexual Offenses chapter of the criminal code includes “persons living together” as married “regardless of the legal status of their relationship.”).

²⁴⁷ WIS. STAT. §§ 948.02(2), 948.093 (2023).

²⁴⁸ WIS. STAT. § 948.095 (2023) (sexual assault of a child by a school staff person or a person who works or volunteers with children); § 948.085 (sexual assault of a child placed in substitute care)

²⁴⁹ WIS. STAT. § 948.095 (2023) (where the school staff or person who works or volunteers with children is 21 or older).

²⁵⁰ WIS. STAT. § 765.02 (2023) (16 with parent or guardian consent; otherwise, 18).

²⁵¹ WIS. STAT. § 948.09 (2023) (exception when the parties are married, the victim is 16 or older, and the other party is 19); § 948.093 (exception where the victim is 15 and the other party is less than 19); § 948.095(2) (exception to sexual assault of a child by a school staff person or a person who works or volunteers with children). Marriage is explicitly not a defense to sexual assault of a child. § 948.02(4).

²⁵² WYO. STAT. ANN. § 6-2-316(a)(iv) (2023).

²⁵³ WYO. STAT. ANN. §§ 6-2-316(a)(ii), 6-2-317(a)(ii) (2023) (where the actor is 20 or older and the victim is 16 or 17 and at least four years younger than the actor, and the actor occupies a “position of authority” relative to the victim). *See* § 6-2-301(a)(iv) for a definition of “position of authority.” *See also* § 6-2-303(a)(ix) (actor is an employee or volunteer of an elementary or secondary school and is more than four years older than the victim).

²⁵⁴ WYO. STAT. ANN. § 6-2-316(a)(iv) (2023) (sexual misconduct occurs where the actor is 17 or older and the victim is less than 17 and four years younger than the actor); §§ 6-2-316(a)(ii), 6-2-317(a)(ii) (2023) (sexual abuse

of a minor in the fourth degree occurs where the actor is in a position of authority and 20 or older and the victim is 16 or 17 and at least four years younger than the actor).

²⁵⁵ WYO. STAT. ANN. § 20-1-102 (2023) (16 with emancipation or parent or guardian consent and judicial approval; otherwise, 18).

²⁵⁶ WYO. STAT. ANN. § 6-2-307 (2023) expressly makes marriage *not* a defense to various provisions in sexual assault in the first or second degree (6-2-302(a)(i), (ii), and (iii); 6-2-303(a)(i), (ii), (iii), and (iv)). That provision does not exclude where the actor is an employee or volunteer of an elementary or secondary school, leaving the possibility that a defense of marriage may be available in that circumstance. § 6-2-303(a) (ix).

²⁵⁷ AM. SAMOA CODE ANN. §§ 46.3604, 46.3610, 46.3615 (2021).

²⁵⁸ AM. SAMOA CODE ANN. § 42.0101 (2021).

²⁵⁹ 9 GUAM CODE ANN. § 25.30 (2022).

²⁶⁰ 19 GUAM CODE ANN. § 3102 (2022) (16 with parent or guardian consent; otherwise, 18).

²⁶¹ 6 N. MAR. I. CODE § 1308(a) (2023).

²⁶² 6 N. MAR. I. CODE § 1306(a)(3) (2023) (where the offender is 18 or older and the victim is under 16 and residing in the same household as the offender and the offender is in a position of authority in relation to the victim or has authority over the victim).

²⁶³ 6 N. MAR. I. CODE § 1306(a)(2) (2023) (where the offender is 18 or older and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian).

²⁶⁴ 6 N. MAR. I. CODE §§ 1303, 1304 (2023) (unlawful to engage in sexual penetration with a person 18 or 19 who the offender knows is "committed to the custody of the Department of Public Health and Environmental Services . . . and the offender is the legal guardian of the person").

²⁶⁵ 6 N. MAR. I. CODE § 1308(a)(1) (2023) (where the offender is 16 or older and at least three years older than the victim); § 1308(a)(2) (where the offender occupies a position of authority relative to the victim and is at least three years older than the victim).

²⁶⁶ 8 N. MAR. I. CODE § 1201 (2023) (a male may marry at 18; a female may marry at 16 with parent or guardian consent; otherwise, 18).

²⁶⁷ 6 N. MAR. I. CODE § 1305(a)(2) (2023) (marriage is a defense to sexual assault in the first, second, and third degree); § 1310(a) (marriage is a defense to sexual abuse of a minor in the first, second, third, or fourth degree).

²⁶⁸ P.R. LAWS ANN. tit. 33, §§ 4770(a), 4772 (2012).

²⁶⁹ P.R. LAWS ANN. tit. 33, § 4770(i) (2012) (when the accused is in a position of trust)

²⁷⁰ P.R. LAWS ANN. tit. 31, §§ 6593, 6595, 6596 (2022) (18 with parent or guardian consent or judicial approval; otherwise, 21).

²⁷¹ V.I. CODE ANN. tit. 14, § 1702 (2023).

²⁷² V.I. CODE ANN. tit. 14, §§ 1700(a), 1700a(a) (2023) (where the victim is residing in the same household as the perpetrator, or the perpetrator uses their position of authority to accomplish the act).

²⁷³ V.I. CODE ANN. tit. 14, § 1702 (2023) (rape in the second degree where the perpetrator is over 18 and the victim is 16-17, and the perpetrator is five years older than the victim).

²⁷⁴ V.I. CODE ANN. tit. 16, §§ 2(4), 36 (2023).

²⁷⁵ "Spousal consent" is an affirmative defense to all sex offenses in the U.S. Virgin Islands. *See* V.I. CODE ANN. tit. 14, §§ 1700(e), 1700a(e), 1701, 1702(c), 1703(b), 1708(b), 1709(b) (2023).