



The Problem with Plea Deals

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Abstract

This paper focuses on the inaccuracy of plea deals and offers a reform framework to remedy these issues. This paper begins by identifying the four main inaccuracy areas of plea bargaining, and explores how a two-tiered reform framework targets these issue areas. This reform features a standard charging matrix and a judge oversight mechanism in which a defendant is offered a sentence adhering to a plea-based ceiling. This paper then discusses how this reform aligns to the concept of ethical formalism, a framework around which our current criminal justice system is highly centered. This paper concludes by addressing possible critiques to reform, and upholds this method as a viable solution to reduce inaccuracies in plea-bargaining.

Introduction

It is a sleepy evening in August, and town court is in session. People slowly file into the courtroom, which is tucked away into the side of a firehouse, and is the size of a small classroom. They confer with their attorneys with their bodies angled away from the judge's bench and table where the prosecutor is seated. Their attorneys stand resolutely towards other actors in the room.

The prosecutor hands me plea sheets. His name is Nick, and he is only a few years older than me. He demonstrates the robotic and formulaic way in which they are filled out. I am neither an attorney nor a law student, but I assign the crime that will be imprinted on each individual's record. The defense attorneys laugh with Nick. "I thought you were drinking a White Claw. That energy drink looks really suspicious."

At the end of the session, after I had stamped each person with their charge, the sun had started setting. An attorney, round and red-faced, approaches Nick and hugs him. "Thanks for going so easy on me today, man," the attorney says during their embrace.

Plea deals are an essential facet of our criminal justice system. However, there are a variety of pitfalls that contribute to a plea bargaining inaccuracy problem. In fact, plea deals are often the genesis of legal fiction, affirmed by oath and recorded as fact. The crimes charged in plea deals are not an objective truth, but outlined in through strategic liaising between defense attorneys and prosecutors bound by the constraints of great workloads. Plea deals are not always a reliable record of the crime committed. Although our use of plea deals may not be a miscarriage of justice, their prevalence undermines the extent to which we can trust the findings of plea convictions. The ultimate outcomes of our criminal justice system do not necessarily reflect a determinate understanding of the extent of a defendant's culpability. Major ethical problems arise when innocence, truth, and due process are perceived as inconvenient and expendable in plea deals.

This paper explores the four main inaccuracy areas of plea bargaining: the capacity of plea deals to undermine guilt, the capacity of plea deals to assume guilt, the negative result of strategic liaising, and bureaucratic streamlining in plea deals. These inaccuracy areas lead to disparate experiences and outcomes for individuals being processed through our criminal justice system: defendants can receive variant charges, sentences, treatment from legal actors, and resources for similar crimes on paper.

To remedy these disparities, a two-tiered reform system is proposed that would limit the capacity for inaccuracy areas to play a role in plea bargaining: creating a charging criteria structure for prosecutors during plea negotiations, and increasing the oversight of judges in evaluating prosecutor plea charges while ensuring judges adhere to plea-based ceilings in sentencing. This reform is in line with the ethical framework of ethical formalism, which upholds ideas of duty, treating the processing of defendants as an end in pursuit of justice rather than a means to expeditious resolutions, and universality. This paper outlines solutions to barriers against this proposed reform through addressing potential critiques and outlining recommendations for possible social and organizational threats.

Why We Plea Bargain

What Plea Bargains Are

Plea deals or *plea bargains* refer to offers made by prosecutors to induce a guilty plea from a defendant through the granting of concessions. If a defendant accepts a plea deal, they waive their right to a trial before a judge or jury. Plea bargaining comes in three major forms: charge bargaining, sentence bargaining, and fact bargaining (Subramanian 2020).

The most common form of plea bargaining is charge bargaining. A charge bargain is an arrangement between a prosecutor and defense attorney in which the prosecutor agrees to pursue a “less serious charge” than that which is warranted by the facts that he could prove at trial. In exchange for a guilty plea, a prosecutor offers a charge that carries a lower potential maximum sentence. The motivation for a defendant to accept a plea bargain is to avoid that worse charge – the possible conclusion that could be reached at trial upon exploring other facts, records, and arguments (Enker 1967).

Sentence bargaining is an agreement to a more lenient sentence in custodial and/or community sanctions. Although prosecutors do not have sentencing powers, they are able to recommend these reduced sentences for defendants. Fact bargaining is an agreement to stipulate a version of events that omits certain facts that would statutorily expose a person to harsher penalties.

Plea deals are extremely common. In fact, more than 90 percent of convictions, at both federal and state levels, are the result of guilty pleas. Only 2 percent of federal criminal cases, and a similar number of state cases, are actually brought to trial (Subramanian 2020).

Why We Plea Bargain

Plea deals have been consistently upheld by the scholars and legal actors as an essential cornerstone of our criminal justice system, as plea bargaining ensures bureaucratic efficiency, financial integrity,

and legitimacy in criminal proceedings. The most commonly asserted justification of plea bargaining is its utility and disposing of large numbers of cases in a quick and simple way.

In the 1970 case *Brady v. In The United States*, the Supreme Court asserted that plea bargains are essential to the effective utilization of “scarce judicial and prosecutorial resources.” As prosecutors face increasing volumes of cases, existing judges, trial assistants, and courtrooms can barely handle the current number of cases being litigated. The current consensus is that the eradication of plea bargaining, an essential incentive for defendants to plead guilty, would place an irreparable strain on our criminal justice system. Plea bargaining is held as so fundamental to the functioning of criminal justice that even in 1970, Chief Justice Warren Burger of the U.S. Supreme Court estimated that a 10 percent reduction in guilty pleas would require doubling the amount of judicial capacity in the system (Enker 1967).

Professor Arnold Ekner illuminates the necessity of plea bargaining among a variety of its pitfalls in his DOJ-funded research for a taskforce on plea bargaining. He explains that even if funding were to allow trials for every criminal defendant, the issue of ensuring sufficient numbers of criminal justice personnel remains. This could result in a lowering of standards in order to “man the store,” which could well result in poorer justice. Eradicating plea deals could also divert funds and personnel from other segments of the criminal justice system.

Reducing the number of guilty pleas would also additionally burden both witnesses and jurors. Citizens, resentful of a sudden increase in the burden of jury duty, may direct their sense of alienation from the criminal process towards defendants during trial and resist other “pro-defendant” reforms. So long as trials are the exception rather than the rule and are largely limited, cases in which the defense offers substantial basis for contesting the prosecutor’s allegations uphold the defendants presumption of innocence in the eyes of the jury (Enker 1967).

Inaccuracy of Plea Deals

Accepting the premise that plea bargaining is a necessary feature of our present system of justice, it is important to acknowledge undesirable elements of plea bargaining: the space for inaccuracy in plea deals. This section will explore the facets of inaccurate plea bargaining which will be addressed in suggestions for reform.

Inaccuracies as a Result of Positioning: Undermining and Assuming Guilt

[Undermining Guilt: Minimizing Conduct and Lack of Investigation](#)

The process of plea bargaining involves reckoning with “what will stick.” Prosecutors regularly initially charge defendants with offenses that are more serious than what available evidence readily supports with the understanding that these charges will be reduced through plea bargaining. For example, a person who is caught inside a closed commercial building looking to steal equipment may be charged with attempted burglary with the immediate offer of a reduced charge of trespassing. This process distorts the true nature of the alleged crimes as the initial charges inherently do not reflect available facts of what the defendant actually did.

In some cases, the pursuit of plea bargains can lead to a lack of thorough investigation of the alleged crimes. Instead of fully examining the evidence and ensuring that all elements of the crime are accounted for, the focus can shift to negotiating a deal and devising a plea for a lesser charge, even when there could be evidence of a more serious crime. Prosecutors are incentivized to secure convictions while defense attorneys are encouraged to get their clients the best possible deal, which can lead to an emphasis on securing guilty pleas “to something” through bargaining rather than pursuing the most accurate representation of the defendant’s actions in court.

Sometimes, there is robust evidence that a defendant committed a certain crime while evidence of one essential statutory element of that crime is missing. In plea deals, prosecutors may relinquish their

advocacy to convict the defendant of the “incomplete” charge in pursuit of a plea. This is a safeguard against the possibility that the defendant is found not guilty for the incomplete charge in trial and to secure a conviction for the next best option. This additionally undermines the true culpability of the defendant.

Assuming Guilt: The Pressure to Plead and Inaccurate Convictions

The overburdened nature of our criminal justice system and professional necessity pressures prosecutors, judges, and defense attorneys to approach each defendant with an eye for achieving the most expeditious resolution of the case. This positioning leads legal actors to approach each case presuming guilt. The basic rationale behind plea bargaining is evidenced through the waiver of trial – the defendant is presumed guilty, and a negotiation occurs to achieve a guilty plea while bargaining for the best possible sentence for both the defense and prosecution. Even the language of plea bargains and plea deals euphemistically frame the process as an advantageous option for a guilty defendant, indicating that prosecutors have yielded a justified more severe course of action.

Roles, or the sets of behavioral expectations that surround one’s position within an organization or profession, constrain and direct behavior (Moore & Gino, 59). Prosecutors of the finest faith and utmost moral character understand that they are employed to convict criminals effectively. The most effective organizational script necessitates approach eaching case with the position that the defendant should be convicted. This organizational script naturally prevents prosecutors from upholding innocence in the forefront of their mind – if only 5% of convictions are wrongful (Georgia Innocence Project) it is natural to concieve defendants as guilty, and conceptualize plea negotiations as a means to process these criminals.

Innocent defendants may be pressured to plead guilty within the legal system. The fear of facing harsh penalties, such as a lengthy prison sentence if found guilty at trial, can be an overwhelming motivator to accept a guilty plea. The uncertainty and anxiety associated with a trial can push innocent individuals to consider plea bargains as a means of

avoiding potential severe consequences. The risk of receiving a much longer sentence at trial is a powerful incentive to accept, and an intrinsic element of, a plea deal.

Additionally, limited resources and inadequate legal representation can leave innocent defendants feeling ill-equipped to mount a strong defense at trial. The prospect of facing an unfavorable outcome due to a lack of resources can make the idea of a plea deal seem more appealing, as it offers a quicker and usually less risky resolution. The emotional toll of legal proceedings, as well as the fear of social stigma, can contribute to the pressure on innocent defendants.

Inaccuracies as a Result of Bureaucracy: Liaising and Streamlining

Liaising

Plea deals are the result of a strategic agreement between fallible defense attorneys and prosecuting attorneys, rather than an objective truth. Although convictions at trial are not foolproof, the rigor of trial proceedings involves additional safeguards against extralegal influences. While convictions at trial should be justified “beyond a reasonable doubt,” charges decided for plea deals are decided behind closed doors (or in courtroom hallways) with little oversight. The conversations between defense attorneys and prosecutors in the realm of plea negotiations, and the liaising between these two actors, is an essential element of bureaucratic efficiency and potential inaccuracy in plea bargaining.

Defense attorneys, prosecutors, and judges work together every day not only to formulate plea deals. They may socialize together after work hours. Some prosecutors were originally defense attorneys, and vice versa. In some respect, these intimate relationships can be helpful to clients – few people are better suited to understand a “fair” plea deal from a prosecutor than a defense attorney who was once a prosecutor themselves. But one must also understand that these relationships shape and inform the pleas offered to defendants. These “courtroom workgroups” pose an organizational threat to the integrity of plea negotiations as changing roles, preconceived notions, and beliefs as to

best practices from others, or lack thereof, cause the process of plea negotiation to be imperfect and human (Blumberg, 1967). A defense attorney may be unlikely to push against the charges suggested by a prosecutor whom they respect as zealously. A prosecutor who knows a defense attorney intimately may not advocate for the best possible plea conditions to avoid clogging up their evening and uphold friendly courtesy. The role of discretion and individual relationships in plea bargaining is an element that contributes to the inaccuracy of plea deals overall.

Streamlining

Plea deals are designed to expedite the resolution of cases and reduce the burden on the court system. However, this emphasis on efficiency can sometimes prioritize closing cases quickly through guilty pleas rather than ensuring the accuracy of outcomes through rigorous analysis. When cases are processed as part of a workload, there is a risk that decision-making becomes simplified, and individual circumstances may not receive the attention they deserve. A case that should be dismissed may be processed as normal, resulting in a false guilty plea (Walker, 2007). A case with robust evidence towards a worse crime may be pled down quickly, resulting in unjust outcomes.

Additionally, concepts of what constitutes a “trivial” or “serious” crime can vary within the justice system. In cases where crimes are considered trivial, little energy or attention may be devoted to their processing. This perception can encourage haphazard or disparate handling of “unserious” cases, such as traffic infractions or petty theft, and may not always align with the principles of accuracy and fairness.

Defense lawyers and prosecutors make decisions in the realm of plea bargaining outside the merits of the case, and are influenced by external factors. For example, a defense lawyer might be less inclined to vigorously defend a client perceived as a “loser” if they turn their attention towards a more hopeful client at the same time. Prosecutors may make plea deals to encourage a defendant to testify against someone else, potentially allowing a guilty person to go free. In such situations, the pursuit of justice in each case is intertwined with other

considerations, which can undermine the accuracy of outcomes. The interconnectedness of cases, where one case may affect the resolution of another, can lead to a lack of individualized justice or a “streamlining” effect. This means that cases are not tried and judged separately but rather as part of a larger workload. This approach can lead to decisions that prioritize the overall efficiency of the system over the specific circumstances of each case, potentially resulting in inaccuracies.

Reform



While the prevalent use of plea bargains may not constitute an absolute miscarriage of justice, a two-tiered system of reform can decrease inaccuracy of plea dealing. The first element of this reform structure addresses prosecutors, outlining a charging criteria structure for plea negotiations and post trial charges. The second element concerns judges, suggesting that judges should have oversight in the charges asserted in plea deals and should adhere to plea-based ceilings in sentencing.

Criteria Structure for Prosecutors

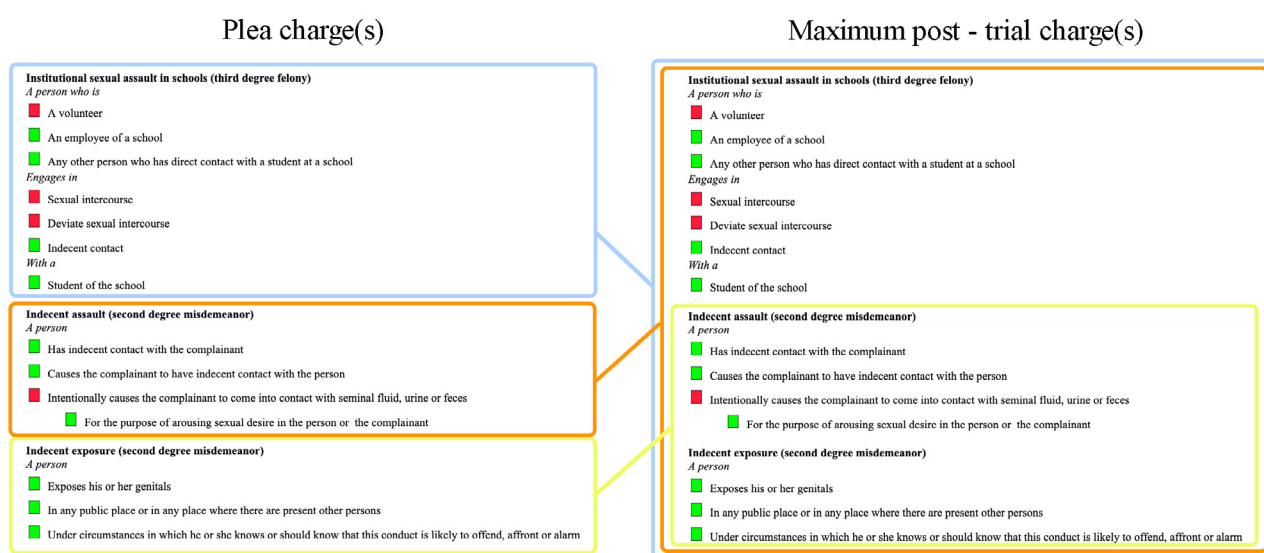
The first element of reform is a structured model for prosecutors to follow when outlining proposed charges in a plea agreement compared to charges that a defendant can be convicted with after trial. These proposed charges shall be audited and overseen by judges (next section) and be made available to defense counsel. In following this model, the potential for disparity between plea charges and post-trial charges is constrained.

A model under this proposal outlines every applicable charge in the relevant chapter of a state or federal criminal code. A prosecutor must indicate what elements of each charge are alleged or relevant in each case. All charges that are satisfied by allegations or evidence must be indicated. Then, a prosecutor must indicate what charges he seeks to uphold in a plea deal, and what charges he will pursue should the case go to trial.

[illegible]

Figure 3: Indicating applicable charges (for reporting)

In completing the matrix, three potential charges are indicated that prosecutors can pursue in a plea. These charges are objective and based on statutory law. These charges are outlined based on all evidence known to the prosecutor and reported out externally (next section)



Under this system, a prosecutor is able to pursue a charge during a plea that is one degree “less serious” than a charge that will be pursued at trial. If the prosecutor seeks a plea deal with the minimum possible charge (indecent exposure in the second degree), the maximum possible charge the prosecutor could seek during trial is one charge greater (indecent assault in the second degree). If the prosecutor seeks a plea deal with the maximum possible charge (institutional sexual assault in schools in the third degree), a defendant can accept the maximum charge in a plea deal or remains empowered able to contest all charges at trial. This matrix can be replicated for every area of crime.

Judge Oversight in Charging and Plea-Based Ceilings in Sentencing

This second tier of reforming involves judges in the oversight and evaluation of charges. In this model, judges will evaluate the prosecutor’s suggested plea charges and possible trial charges at the end of the plea bargaining process. The rubric, and any departure from the rubric (such as the consideration of mitigating or extenuating factors) are presented to the judge.

The judge will evaluate charges for consistency, fairness, and accountability. If there are disparities in charging that leave space for inaccuracies, the judge will address and suggest a remedy for them. If a defendant chooses to plead guilty, a judge will be bound to adhere to a “plea-based ceiling” in his sentencing as stipulated by Russel Covey in his article for the Georgia University College of Reading Room. This concept of plea-based ceilings limits individual discounts between plea sentencing outcome and trial sentencing outcome. In a fixed-discount plea-based ceiling system, defendants who plead guilty receive a standard, predetermined discount off the sentence to which they pled (Covey, 2008). This discount can be on a “sliding scale” depending on the severity of the crime. For example, the standard discount for a manslaughter plea can be greater than the standard discount for a larceny plea.

This also sets an absolute ceiling on the sentence that is imposed if the defendant pleads at trial. A defendant is made aware during this time of the sentences he may receive from the plea charges and post-trial charges, and can withdraw his plea during this hearing. Records of a judge’s plea and preliminary post-trial sentencing decisions will be made available to defense counsel during this process to inform a defendant’s educated decision.

Ethical Framework

Our legal system as a whole is largely structured upon tenets of ethical formalism, or deontological ethics, due to its rule-based nature and emphasis on universal principles. The central and most identifiable values of our legal landscape (from due process to innocent until proven guilty) illuminate common ethical formalist values.

In viewing our legal system through an ethical formalist lens, the inherent nature of legal processes are evaluated. Immanuel Kant, the father of deontological ethics, outlined a method for determining if a process is inherently ethical through his concept of the categorical imperative of morality. Central to Kant’s concept of the categorical imperative are ideas of duty, treating others as an end and universality (Pollock 33-34).

This proposed reform is supported by the framework of ethical formalism and appropriately reflects the mission of our criminal justice system.

Emphasis on Universal Principles

By following standard legal matrixes, this reform aligns with ethical formalism's emphasis on objective evaluation for all. This reform employs further oversight mechanisms to ensure equal treatment and outcome. This aligns with the mission of our criminal justice system upholding that laws and legal standards should be applied impartially to ensure fairness.

Emphasis on Universal Principles

The proposed reform further aligns with ethical formalism by emphasizing the duty of legal actors, specifically prosecutors and judges, to uphold principles of justice through a standard approach coupled with accountability mechanisms. Ethical formalism asserts the importance of adhering to established rules and universal principles in decision-making. In the context of the criminal justice system, this reform aligns to the idea that standard legal principles and procedures should be the guiding force for legal actors.

Means rather than ends

The proposed reform upholds effective plea negotiations as an "ends" to ensuring justice rather than the "means" to swiftly process defendants by focusing on the quality and fairness of the outcomes rather than expediting the legal process. In the existing system, the prevalent use of plea bargains is often driven by the need for efficiency in case resolution. However, this reform prioritizes the pursuit of justice over mere procedural expediency. This proposed reform aligns with ethical formalism and the larger goals of our criminal justice system by emphasizing the overarching goal of justice as the ultimate goal of our criminal justice system.

Role of Reforms in Reducing Inaccuracy

This model enhances the accountability and consistency of the charging and sentencing process within the criminal justice system. This process, which employs criteria structures for prosecutors and oversight mechanisms paired with plea-based ceilings for judges, improves reliability in the four facets of plea bargaining which can lead to inaccuracy.

Undermining guilt

This suggested model will provide a transparent record of the differences between charges resulting from pleas and those resulting from trials. This model reduces the capacity for plea bargaining to undermine guilt as prosecutors are less empowered to charge a defendant with an inappropriately minor crime to secure a plea deal. Additionally, as plea-based ceilings limit the sentence discount a defendant can receive from pleading guilty, the incentives to plead guilty to dodge charges and garner the best possible sentence is less powerful.

Assuming guilt

This criteria reduces prosecutorial incentives to overcharge criminal defendants by eliminating the bargaining leverage that can be obtained through strategic overcharging. Absent those incentives, a prosecutor is more likely to select charges based on the prosecutor's actual evaluation of the defendant's culpability. This structure mitigates the possibility that defendants will plead guilty to a crime they did not commit out of fear that the conviction they would receive post-trial would be far worse than their plea bargain.. Judge oversight and plea-based ceilings limit the possibility that an innocent defendant will plead to an inaccurate charge to avoid facing much harsher sentences after trial.

Liaising

This model helps ensure that factors unrelated to the established

criteria and evidence, such as the defendant's relationship with defense counsel, cannot unduly influence the outcome of plea agreements. Systematically logging charges using the matrix allows legal actors to recognize trends and commonalities or a more visible record of disparities. As all charges are reviewed during judge oversight, the role of relationships and liaising in plea proposals is limited. This reform puts an end to "barter justice" as discounts are fixed and available to every defendant who decides to plead guilty rather than contest guilt at trial,

Streamlining

Prosecutors are encouraged to take the time to thoroughly evaluate cases and consider the unique circumstances of each defendant. Cases that should be dismissed, or cases that deserve more attention, are subject to lessened pressure to streamline the process at the expense of fairness. This two-tiered reform additionally limits prosecutors' ability to dispose of weak cases through plea bargaining by changing the defendant's incentive structure, as fixed discounts directly impact prosecutorial screening practices and create strong incentives to dismiss weak cases rather than try them.

Overcoming Barriers to Reform

Rigidity

A potential critique of the reform described is that it may lead to rigidity in the criminal justice system. While the intention behind creating a standardized charging criteria matrix is to reduce disparities between plea charges and potential post-trial charges, it could also result in inflexibility. The reform appears to rely heavily on predetermined, objective charges. Opponents can argue this system undermines the unique circumstances of each case. Furthermore, the use of a fixed-discount system, where defendants who plead guilty receive a standard, predetermined discount based on the severity of the crime, could stifle

the consideration of nuance in each case. Some cases might have exceptional circumstances that justify a different sentencing approach, but the fixed discount system could restrict judges from making such adjustments.

This system would necessitate the consideration of extenuating and mitigating circumstances. Although there is not a standardized “space” to outline these elements on the matrix, judges and prosecutors are bound to consider exceptional circumstances during charging and sentencing discussions. This reform increases a defendant’s autonomy during plea negotiations to illuminate important external factors, as he is aware of the factors behind his charges and potential sentences is equipped to choose the best course of action with his attorney. In the current process of plea bargains, the defendant is largely excluded from these conversations – although plea charges are negotiated between his attorney and prosecutor, neither he or external actors such as judges have oversight. In the process of sentencing, judges are given full discretion following plea bargains and trial proceedings. This reform allows defense counsel, prosecutors, and the defendant to have a say in the sentencing process.

Potential for Overcharging

The system outlined in the reform may incentivize prosecutors to seek the maximum possible charge during plea negotiations to allow themselves to pursue the most severe charge should the case go to trial. This could lead to overcharging in some plea bargains and put defendants at risk of facing harsher penalties than their actions warrant.

What is important to consider in this case is if prosecutors are offering harsh plea bargains, they must be confident that this bargain is just and fair considering the facts of the case. If the evidence in a case is sufficiently robust to empower a prosecutor to pursue the most serious charge during a plea bargain, a defendant must come to terms with the bargain with his attorney or take his case to trial. If proposed plea bargains are too harsh, this will be combatted through the oversight of judges.

Increasing streamlining

Opponents may believe that increased standardization of charging and sentencing processes in plea deals could worsen, rather than ameliorate, the “streamlined” nature of our criminal justice system. Nuanced attention to individual cases is integral to combatting inaccuracies that can arise in the pursuit of bureaucratic efficiency.

However, the accountability and transparency mechanisms in this reform help buffer against this potential caveat. The records of these plea bargaining processes will illuminate any prosecutors or judges who unduly “rubber stamp” charges and sentences without careful consideration.

Conclusion

The inaccuracy areas that arise in plea bargaining pose a significant challenge to the trust that we have in our criminal procedure. The exploration of the four main inaccuracy areas – undermining guilt, assuming guilt, negative consequences of strategic liaising, and bureaucratic streamlining – highlights the need for reform. The proposal of a two-tiered system addresses these issues by introducing a charging criteria structure for prosecutors during plea negotiations and enhancing judicial oversight. This approach aligns with ethical formalism, emphasizing duty, justice, and universality.

Plea deals, while an essential aspect of our legal system, can be improved to increase procedural accuracy and champion justice. These proposed reforms aim to mitigate the disparities in charges, sentences, and treatment that arise during plea negotiations and foster a more equitable and trustworthy criminal justice process. The outlined solutions and considerations for potential challenges provide a roadmap for implementing these reforms, ultimately contributing to a more just and reliable criminal justice system.

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<p>Rape (first degree felony) <i>A person</i></p> <p><input type="checkbox"/> Engages in sexual intercourse occurs by</p> <ul style="list-style-type: none"><input type="checkbox"/> Forcible compulsion<input type="checkbox"/> Threat of forcible compulsion that would prevent resistance by a person of reasonable resolution <p><input type="checkbox"/> Engages in sexual intercourse with a complainant</p> <ul style="list-style-type: none"><input type="checkbox"/> Who is unconscious<input type="checkbox"/> Who suffers from a mental disability which renders the complainant incapable of consent <p><input type="checkbox"/> Engages in sexual intercourse where the person</p> <ul style="list-style-type: none"><input type="checkbox"/> Knows that the complainant is unaware that the sexual intercourse is occurring<input type="checkbox"/> Substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant<ul style="list-style-type: none"><input type="checkbox"/> Drugs<input type="checkbox"/> Intoxicants<input type="checkbox"/> Other means for the purpose of preventing resistance <p>Female mutilation (first degree felony) <i>A person</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Knowingly circumcises, excises or infibulates the whole or any part of the genitalia of a minor<input type="checkbox"/> Is a parent of a minor and the parent knowingly consents or permits the circumcision, excision or infibulation of the whole or any part of the minor's genitalia<input type="checkbox"/> Knowingly removes or permits the removal of a minor from this Commonwealth for the purpose of circumcising, excising or infibulating, in whole or in part, the genitalia of the minor <p>Sexual assault (second degree felony)</p> <p><input type="checkbox"/> A person engages in sexual intercourse or deviate sexual intercourse with a complainant</p> <ul style="list-style-type: none"><input type="checkbox"/> Without the complainant's consent <p>Statutory sexual assault (second degree felony)</p> <p><input type="checkbox"/> Person engages in sexual intercourse with a complainant to who</p> <ul style="list-style-type: none"><input type="checkbox"/> The person is not married<input type="checkbox"/> Who is under the age of 16 years <p><i>And the person is</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Four years older but less than eight years older than the complainant<input type="checkbox"/> Eight years older but less than 11 years older than the complainant <p>Institutional sexual assault (third degree felony) <i>A person who is an employee or agent of</i></p> <ul style="list-style-type: none"><input type="checkbox"/> The Department of Corrections<input type="checkbox"/> County correctional authority<input type="checkbox"/> Youth development center<input type="checkbox"/> Youth forestry camp<input type="checkbox"/> State or county juvenile detention facility<input type="checkbox"/> Other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution <p><i>Engages in</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Sexual intercourse<input type="checkbox"/> Deviate sexual intercourse<input type="checkbox"/> Indecent contact <p><i>With</i></p> <ul style="list-style-type: none"><input type="checkbox"/> An inmate<input type="checkbox"/> Detainee<input type="checkbox"/> Another person being supervised by that person under probation or parole supervision, patient or resident <p>Institutional sexual assault of a minor (third degree felony) <i>A person who is an employee or agent of</i></p> <ul style="list-style-type: none"><input type="checkbox"/> The Department of Corrections<input type="checkbox"/> County correctional authority<input type="checkbox"/> Youth development center<input type="checkbox"/> Youth forestry camp<input type="checkbox"/> State or county juvenile detention facility<input type="checkbox"/> Other licensed residential facilities serving children and youth or mental health or mental retardation facility or institution <p><i>Engages in</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Sexual intercourse<input type="checkbox"/> Deviate sexual intercourse<input type="checkbox"/> Indecent contact <p><i>With</i></p> <ul style="list-style-type: none"><input type="checkbox"/> An inmate<input type="checkbox"/> Another person being supervised by that person under probation or parole supervision, detainee, patient or resident <p><i>Who is</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Under 18 years of age	<p>Statutory sexual assault (first degree felony)</p> <p><input type="checkbox"/> Person engages in sexual intercourse with a complainant</p> <ul style="list-style-type: none"><input type="checkbox"/> Under the age of 16 years <p><i>And that person is</i></p> <ul style="list-style-type: none"><input type="checkbox"/> 11 or more years older than the complainant<input type="checkbox"/> And the complainant and the person are not married to each other. <p>Aggravated indecent assault (second degree felony) <i>A person who engages in</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Penetration, however slight, of the genitals or anus of a complainant<input type="checkbox"/> With a part of the person's body<input type="checkbox"/> For any purpose other than good faith medical, hygienic or law enforcement procedures <p><i>If</i></p> <ul style="list-style-type: none"><input type="checkbox"/> The person does so without the complainant's consent<input type="checkbox"/> The person does so by forcible compulsion<input type="checkbox"/> The person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution<input type="checkbox"/> The complainant is unconscious or the person knows that the c complainant is unaware that the penetration is occurring<input type="checkbox"/> The person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant<ul style="list-style-type: none"><input type="checkbox"/> Drugs<input type="checkbox"/> Intoxicants<input type="checkbox"/> Other means for the purpose of preventing resistance<input type="checkbox"/> The complainant suffers from a mental disability which renders him or her incapable of consent<input type="checkbox"/> The complainant is less than 13 years of age<input type="checkbox"/> The complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other. <p>Institutional sexual assault by peace officers (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none"><input type="checkbox"/> A peace officer<input type="checkbox"/> Employee of an agency employing a peace officer in his official capacity <p><i>Engages in</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Sexual intercourse<input type="checkbox"/> Deviate sexual intercourse<input type="checkbox"/> Indecent contact <p><i>With another person who is</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Under official detention or in the custody of the person<input type="checkbox"/> A confidential informant of the person <p>Institutional assault by caretakers (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none"><input type="checkbox"/> A caretaker <p><i>Engages in</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Sexual intercourse<input type="checkbox"/> Deviate sexual intercourse<input type="checkbox"/> Indecent contact <p><i>With a</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Care-dependent person <p><i>Who</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Receives care, services or treatment in or from a facility <p>Institutional sexual assault of a minor in child care (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none"><input type="checkbox"/> A volunteer<input type="checkbox"/> An employee <p><i>Of a</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Center for children <p><i>Engages in</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Sexual intercourse<input type="checkbox"/> Deviate sexual intercourse<input type="checkbox"/> Indecent contact <p><i>With a</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Child<input type="checkbox"/> Who is receiving services at the center <p>Unlawful dissemination of intimate image (second degree misdemeanor) <i>A person</i></p> <ul style="list-style-type: none"><input type="checkbox"/> With intent to harass, annoy or alarm<ul style="list-style-type: none"><input type="checkbox"/> A current or former sexual or intimate partner<input type="checkbox"/> Disseminates a visual depiction of the current or former sexual or intimate partner<ul style="list-style-type: none"><input type="checkbox"/> In a state of nudity<input type="checkbox"/> Engaged in sexual conduct	<p>Involuntary deviate sexual intercourse (first degree felony)</p> <p><input type="checkbox"/> A person engages in deviate sexual intercourse with a complainant by</p> <ul style="list-style-type: none"><input type="checkbox"/> Forcible compulsion<input type="checkbox"/> Threat of forcible compulsion that would prevent resistance by a person of reasonable resolution<input type="checkbox"/> Who is unconscious<input type="checkbox"/> Where the person knows that the complainant is unaware that the sexual intercourse is occurring<input type="checkbox"/> Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing without the knowledge of the complainant<ul style="list-style-type: none"><input type="checkbox"/> Drugs<input type="checkbox"/> Intoxicants<input type="checkbox"/> Other means for the purpose of preventing resistance <p><input type="checkbox"/> A person engages in deviate sexual intercourse with a complainant who</p> <ul style="list-style-type: none"><input type="checkbox"/> Suffers from a mental disability which renders him or her incapable of consent<input type="checkbox"/> Is less than 16 years of age<ul style="list-style-type: none"><input type="checkbox"/> And the person is four or more years older than the complainant<input type="checkbox"/> And the complainant and person are not married to each other. <p>Statutory sexual assault (second degree felony)</p> <p><input type="checkbox"/> Person engages in sexual intercourse with a complainant to who</p> <ul style="list-style-type: none"><input type="checkbox"/> The person is not married<input type="checkbox"/> Who is under the age of 16 years <p><i>And the person is</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Four years older but less than eight years older than the complainant<input type="checkbox"/> Eight years older but less than 11 years older than the complainant <p>Institutional sexual assault in schools (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none"><input type="checkbox"/> A volunteer<input type="checkbox"/> An employee of a school<input type="checkbox"/> Any other person who has direct contact with a student at a school <p><i>Engages in</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Sexual intercourse<input type="checkbox"/> Deviate sexual intercourse<input type="checkbox"/> Indecent contact <p><i>With a</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Student of the school <p>Institutional sexual assault by sports official, volunteer or employee of nonprofit association (third degree felony) <i>A person who</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Serves as a sports official in a sports program of a nonprofit association or a for-profit association<input type="checkbox"/> Is a volunteer or an employee of a nonprofit association <p><i>Engages in</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Sexual intercourse<input type="checkbox"/> Deviate sexual intercourse<input type="checkbox"/> Indecent contact <p><i>With</i></p> <ul style="list-style-type: none"><input type="checkbox"/> A child under 18 years of age<ul style="list-style-type: none"><input type="checkbox"/> Who is participating in a sports program of the nonprofit association or for-profit association<input type="checkbox"/> Who participates in a program or activity of the nonprofit association <p>Institutional sexual assault by peace officers to a minor (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none"><input type="checkbox"/> A peace officer <p><i>Engages in</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Sexual intercourse<input type="checkbox"/> Deviate sexual intercourse<input type="checkbox"/> Indecent contact <p><i>With a</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Child <p><i>Who is</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Under official detention<input type="checkbox"/> In the custody of the person<input type="checkbox"/> Is a confidential informant of the person <p><i>Or if the person</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Solicits or demands from the complainant or family or household member<ul style="list-style-type: none"><input type="checkbox"/> The payment of money<input type="checkbox"/> Property<input type="checkbox"/> Services<ul style="list-style-type: none"><input type="checkbox"/> For the removal from public view or preventing the disclosure of any image, video, recording or other material<input type="checkbox"/> Disseminates, transmits or distributes, or threatens to disseminate, transmit or distribute an image, video, recording or other material<input type="checkbox"/> Depicting the complainant in a state of nudity<input type="checkbox"/> Engaging in sexual conduct or the simulation of sexual conduct<input type="checkbox"/> To another person or entity, including a commercial social networking site<ul style="list-style-type: none"><input type="checkbox"/> And solicits or demands the payment from the complainant or family or household member of the complainant of<ul style="list-style-type: none"><input type="checkbox"/> Money<input type="checkbox"/> Property<input type="checkbox"/> Services<input type="checkbox"/> Any other thing of value<ul style="list-style-type: none"><input type="checkbox"/> In exchange for removing from public view or preventing disclosure of the image, video, recording or other materials
<p>Sexual extortion (third degree felony) <i>A person</i></p> <p><input type="checkbox"/> Knowingly or intentionally coerces or causes a complainant</p> <ul style="list-style-type: none"><input type="checkbox"/> To engage in sexual conduct<input type="checkbox"/> The simulation of sexual conduct or a state of nudity<input type="checkbox"/> Make, produce, disseminate, transmit or distribute any image, video, recording, or other material depicting the complainant<ul style="list-style-type: none"><input type="checkbox"/> In a state of nudity<input type="checkbox"/> Engaging in sexual conduct<input type="checkbox"/> In simulation of sexual conduct <p><i>If the person subjects a complainant through</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Harming or threatening to harm<ul style="list-style-type: none"><input type="checkbox"/> The complainant<input type="checkbox"/> The property of the complainant<input type="checkbox"/> The reputation of the complainant<input type="checkbox"/> Any other thing of value of the complainant<input type="checkbox"/> Holding out, withholding or threatening to withhold<ul style="list-style-type: none"><input type="checkbox"/> A service<input type="checkbox"/> Employment<input type="checkbox"/> Position<input type="checkbox"/> Other thing of value	<ul style="list-style-type: none"><input type="checkbox"/> Exposing or threatening to expose any fact or piece of information that, if revealed, would tend to subject the complainant to<ul style="list-style-type: none"><input type="checkbox"/> Criminal proceedings<input type="checkbox"/> A civil action<input type="checkbox"/> Hatred<input type="checkbox"/> Contempt<input type="checkbox"/> Embarrassment<input type="checkbox"/> Ridicule<input type="checkbox"/> Making, producing, disseminating, transmitting or distributing or threatening to make, produce, disseminate, transmit or distribute<ul style="list-style-type: none"><input type="checkbox"/> Any image, video, recording or other material depicting the complainant<ul style="list-style-type: none"><input type="checkbox"/> In a state of nudity<input type="checkbox"/> Engaged in sexual conduct<input type="checkbox"/> In the simulation of sexual conduct<input type="checkbox"/> Threatening to cause or causing<ul style="list-style-type: none"><input type="checkbox"/> A loss<input type="checkbox"/> Disadvantage<input type="checkbox"/> Injury<input type="checkbox"/> Loss, disadvantage or injury to a family or household member	
<p>Indecent assault (second degree misdemeanor) <i>A person</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Has indecent contact with the complainant<input type="checkbox"/> Causes the complainant to have indecent contact with the person<input type="checkbox"/> Intentionally causes the complainant to come into contact with seminal fluid, urine or feces<ul style="list-style-type: none"><input type="checkbox"/> For the purpose of arousing sexual desire in the person or the complainant	<p><i>And the person does so</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Without the complainant's consent<input type="checkbox"/> By forcible compulsion<input type="checkbox"/> By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution<input type="checkbox"/> By substantially impairing the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant<ul style="list-style-type: none"><input type="checkbox"/> Drugs<input type="checkbox"/> Intoxicants<input type="checkbox"/> Other means for the purpose of preventing resistance	<p><i>Or the complainant is</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Unconscious or the person knows that the complainant is unaware that the indecent contact is occurring<input type="checkbox"/> Is less than 13 years of age<input type="checkbox"/> Is less than 16 years of age<ul style="list-style-type: none"><input type="checkbox"/> And the person is four or more years older than the complainant<input type="checkbox"/> And the complainant and the person are not married to each other
<p>Indecent exposure (second degree misdemeanor) <i>A person</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Exposes his or her genitals<input type="checkbox"/> In any public place or in any place where there are present other persons<input type="checkbox"/> Under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm	<p>Sexual intercourse with animal (second degree misdemeanor) <i>A person</i></p> <ul style="list-style-type: none"><input type="checkbox"/> Engages in any form of sexual intercourse with an animal	

<p>Rape (first degree felony) <i>A person</i></p> <ul style="list-style-type: none">Engages in sexual intercourse occurs by<ul style="list-style-type: none">Forcible compulsionThreat of forcible compulsion that would prevent resistance by a person of reasonable resolutionEngages in sexual intercourse with a complainant<ul style="list-style-type: none">Who is unconsciousWho suffers from a mental disability which renders the complainant incapable of consentEngages in sexual intercourse where the person<ul style="list-style-type: none">Knows that the complainant is unaware that the sexual intercourse is occurringSubstantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant<ul style="list-style-type: none">DrugsIntoxicantsOther means for the purpose of preventing resistance <p>Female mutilation (first degree felony) <i>A person</i></p> <ul style="list-style-type: none">Knowingly circumcises, excises or infibulates the whole or any part of the genitalia of a minorIs a parent of a minor and the parent knowingly consents or permits the circumcision, excision or infibulation of the whole or any part of the minor's genitaliaKnowingly removes or permits the removal of a minor from this Commonwealth for the purpose of circumcising, excising or infibulating, in whole or in part, the genitalia of the minor <p>Sexual assault (second degree felony)</p> <ul style="list-style-type: none">A person engages in sexual intercourse or deviate sexual intercourse with a complainant<ul style="list-style-type: none">Without the complainant's consent <p>Statutory sexual assault (second degree felony)</p> <ul style="list-style-type: none">Person engages in sexual intercourse with a complainant to who<ul style="list-style-type: none">The person is not marriedWho is under the age of 16 years <p><i>And the person is</i></p> <ul style="list-style-type: none">Four years older but less than eight years older than the complainantEight years older but less than 11 years older than the complainant <p>Institutional sexual assault (third degree felony) <i>A person who is an employee or agent of</i></p> <ul style="list-style-type: none">The Department of CorrectionsCounty correctional authorityYouth development centerYouth forestry campState or county juvenile detention facilityOther licensed residential facility serving children and youth, or mental health or mental retardation facility or institution <p><i>Engages in</i></p> <ul style="list-style-type: none">Sexual intercourseDeviate sexual intercourseIndecent contact <p><i>With</i></p> <ul style="list-style-type: none">An inmateDetaineeAnother person being supervised by that person under probation or parole supervision, patient or resident <p>Institutional sexual assault of a minor (third degree felony) <i>A person who is an employee or agent of</i></p> <ul style="list-style-type: none">The Department of CorrectionsCounty correctional authorityYouth development centerYouth forestry campState or county juvenile detention facilityOther licensed residential facilities serving children and youth or mental health or mental retardation facility or institution <p><i>Engages in</i></p> <ul style="list-style-type: none">Sexual intercourseDeviate sexual intercourseIndecent contact <p><i>With</i></p> <ul style="list-style-type: none">An inmateAnother person being supervised by that person under probation or parole supervision, detainee, patient or resident <p><i>Who is</i></p> <ul style="list-style-type: none">Under 18 years of age <p>Sexual extortion (third degree felony) <i>A person</i></p> <ul style="list-style-type: none">Knowingly or intentionally coerces or causes a complainant<ul style="list-style-type: none">To engage in sexual conductThe simulation of sexual conduct or a state of nudityMake, produce, disseminate, transmit or distribute any image, video, recording, or other material depicting the complainant<ul style="list-style-type: none">In a state of nudityEngaging in sexual conductIn simulation of sexual conduct <p><i>If the person subjects a complainant through</i></p> <ul style="list-style-type: none">Harming or threatening to harm<ul style="list-style-type: none">The complainantThe property of the complainantThe reputation of the complainantAny other thing of value of the complainantHolding out, withholding or threatening to withhold<ul style="list-style-type: none">A serviceEmploymentPositionOther thing of value <p>Indecent assault (second degree misdemeanor) <i>A person</i></p> <ul style="list-style-type: none">Has indecent contact with the complainantCauses the complainant to have indecent contact with the personIntentionally causes the complainant to come into contact with seminal fluid, urine or feces<ul style="list-style-type: none">For the purpose of arousing sexual desire in the person or the complainant	<p>Statutory sexual assault (first degree felony)</p> <ul style="list-style-type: none">Person engages in sexual intercourse with a complainant<ul style="list-style-type: none">Under the age of 16 years <p><i>And that person is</i></p> <ul style="list-style-type: none">11 or more years older than the complainantAnd the complainant and the person are not married to each other. <p>Aggravated indecent assault (second degree felony) <i>A person who engages in</i></p> <ul style="list-style-type: none">Penetration, however slight, of the genitals or anus of a complainantWith a part of the person's bodyFor any purpose other than good faith medical, hygienic or law enforcement procedures <p><i>If</i></p> <ul style="list-style-type: none">The person does so without the complainant's consentThe person does so by forcible compulsionThe person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolutionThe complainant is unconscious or the person knows that the c complainant is unaware that the penetration is occurringThe person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant<ul style="list-style-type: none">DrugsIntoxicantsOther means for the purpose of preventing resistanceThe complainant suffers from a mental disability which renders him or her incapable of consentThe complainant is less than 13 years of ageThe complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other. <p>Institutional sexual assault by peace officers (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none">A peace officerEmployee of an agency employing a peace officer in his official capacity <p><i>Engages in</i></p> <ul style="list-style-type: none">Sexual intercourseDeviate sexual intercourse <p><i>Indecent contact</i></p> <p><i>With another person who is</i></p> <ul style="list-style-type: none">Under official detention or in the custody of the personA confidential informant of the person <p>Institutional assault by caretakers (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none">A caretaker <p><i>Engages in</i></p> <ul style="list-style-type: none">Sexual intercourseDeviate sexual intercourse <p><i>Indecent contact</i></p> <p><i>With a</i></p> <ul style="list-style-type: none">Care-dependent person <p><i>Who</i></p> <ul style="list-style-type: none">Receives care, services or treatment in or from a facility <p>Institutional sexual assault of a minor in child care (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none">A volunteerAn employee <p><i>Of a</i></p> <ul style="list-style-type: none">Center for children <p><i>Engages in</i></p> <ul style="list-style-type: none">Sexual intercourseDeviate sexual intercourseIndecent contact <p><i>With a</i></p> <ul style="list-style-type: none">Child<ul style="list-style-type: none">Who is receiving services at the center <p>Unlawful dissemination of intimate image (second degree misdemeanor) <i>A person</i></p> <ul style="list-style-type: none">With intent to harass, annoy or alarm<ul style="list-style-type: none">A current or former sexual or intimate partnerDisseminates a visual depiction of the current or former sexual or intimate partner<ul style="list-style-type: none">In a state of nudityEngaged in sexual conduct	<p>Involuntary deviate sexual intercourse (first degree felony)</p> <ul style="list-style-type: none">A person engages in deviate sexual intercourse with a complainant by<ul style="list-style-type: none">Forcible compulsionThreat of forcible compulsion that would prevent resistance by a person of reasonable resolutionWho is unconsciousWhere the person knows that the complainant is unaware that the sexual intercourse is occurringWhere the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing without the knowledge of the complainant<ul style="list-style-type: none">DrugsIntoxicantsOther means for the purpose of preventing resistanceA person engages in deviate sexual intercourse with a complainant who<ul style="list-style-type: none">Suffers from a mental disability which renders him or her incapable of consentIs less than 16 years of ageAnd the person is four or more years older than the complainantAnd the complainant and person are not married to each other. <p>Statutory sexual assault (second degree felony)</p> <ul style="list-style-type: none">Person engages in sexual intercourse with a complainant to who<ul style="list-style-type: none">The person is not marriedWho is under the age of 16 years <p><i>And the person is</i></p> <ul style="list-style-type: none">Four years older but less than eight years older than the complainantEight years older but less than 11 years older than the complainant <p>Institutional sexual assault in schools (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none">A volunteerAn employee of a schoolAny other person who has direct contact with a student at a school <p><i>Engages in</i></p> <ul style="list-style-type: none">Sexual intercourseDeviate sexual intercourseIndecent contact <p><i>With a</i></p> <ul style="list-style-type: none">Student of the school <p>Institutional sexual assault by sports official, volunteer or employee of nonprofit association (third degree felony) <i>A person who</i></p> <ul style="list-style-type: none">Serves as a sports official in a sports program of a nonprofit association or a for-profit associationIs a volunteer or an employee of a nonprofit association <p><i>Engages in</i></p> <ul style="list-style-type: none">Sexual intercourseDeviate sexual intercourseIndecent contact <p><i>With</i></p> <ul style="list-style-type: none">A child under 18 years of age<ul style="list-style-type: none">Who is participating in a sports program of the nonprofit association or for-profit associationWho participates in a program or activity of the nonprofit association <p>Institutional sexual assault by peace officers to a minor (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none">A peace officer <p><i>Engages in</i></p> <ul style="list-style-type: none">Sexual intercourseDeviate sexual intercourseIndecent contact <p><i>With a</i></p> <ul style="list-style-type: none">Child <p><i>Who is</i></p> <ul style="list-style-type: none">Under official detentionIn the custody of the personIs a confidential informant of the person
<p>Indecent exposure (second degree misdemeanor) <i>A person</i></p> <ul style="list-style-type: none">Exposes his or her genitalsIn any public place or in any place where there are present other personsUnder circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm	<p>Sexual intercourse with animal (second degree misdemeanor) <i>A person</i></p> <ul style="list-style-type: none">Engages in any form of sexual intercourse with an animal	

Appendix 3: Figure 3

<p>Rape (first degree felony) <i>A person</i></p> <ul style="list-style-type: none"> Engages in sexual intercourse occurs by <ul style="list-style-type: none"> Forcible compulsion Threat of forcible compulsion that would prevent resistance by a person of reasonable resolution Engages in sexual intercourse with a complainant <ul style="list-style-type: none"> Who is unconscious Who suffers from a mental disability which renders the complainant incapable of consent Engages in sexual intercourse where the person <ul style="list-style-type: none"> Knows that the complainant is unaware that the sexual intercourse is occurring Substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant <ul style="list-style-type: none"> Drugs Intoxicants Other means for the purpose of preventing resistance <p>Female mutilation (first degree felony) <i>A person</i></p> <ul style="list-style-type: none"> Knowingly circumcises, excises or infibulates the whole or any part of the genitalia of a minor Is a parent of a minor and the parent knowingly consents or permits the circumcision, excision or infibulation of the whole or any part of the minor's genitalia Knowingly removes or permits the removal of a minor from this Commonwealth for the purpose of circumcising, excising or infibulating, in whole or in part, the genitalia of the minor <p>Sexual assault (second degree felony)</p> <ul style="list-style-type: none"> A person engages in sexual intercourse or deviate sexual intercourse with a complainant <ul style="list-style-type: none"> Without the complainant's consent <p>Statutory sexual assault (second degree felony)</p> <ul style="list-style-type: none"> Person engages in sexual intercourse with a complainant to who <ul style="list-style-type: none"> The person is not married Who is under the age of 16 years <p><i>And the person is</i></p> <ul style="list-style-type: none"> Four years older but less than eight years older than the complainant Eight years older but less than 11 years older than the complainant <p>Institutional sexual assault (third degree felony) <i>A person who is an employee or agent of</i></p> <ul style="list-style-type: none"> The Department of Corrections County correctional authority Youth development center Youth forestry camp State or county juvenile detention facility Other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution <p><i>Engages in</i></p> <ul style="list-style-type: none"> Sexual intercourse Deviate sexual intercourse Indecent contact <p><i>With</i></p> <ul style="list-style-type: none"> An inmate Detainee Another person being supervised by that person under probation or parole supervision, patient or resident <p>Institutional sexual assault of a minor (third degree felony) <i>A person who is an employee or agent of</i></p> <ul style="list-style-type: none"> The Department of Corrections County correctional authority Youth development center Youth forestry camp State or county juvenile detention facility Other licensed residential facilities serving children and youth or mental health or mental retardation facility or institution <p><i>Engages in</i></p> <ul style="list-style-type: none"> Sexual intercourse Deviate sexual intercourse Indecent contact <p><i>With</i></p> <ul style="list-style-type: none"> An inmate Another person being supervised by that person under probation or parole supervision, detainee, patient or resident <p><i>Who is</i></p> <ul style="list-style-type: none"> Under 18 years of age 	<p>Statutory sexual assault (first degree felony)</p> <ul style="list-style-type: none"> Person engages in sexual intercourse with a complainant <ul style="list-style-type: none"> Under the age of 16 years <p><i>And that person is</i></p> <ul style="list-style-type: none"> 11 or more years older than the complainant And the complainant and the person are not married to each other. <p>Aggravated indecent assault (second degree felony) <i>A person who engages in</i></p> <ul style="list-style-type: none"> Penetration, however slight, of the genitals or anus of a complainant With a part of the person's body For any purpose other than good faith medical, hygienic or law enforcement procedures <p><i>If</i></p> <ul style="list-style-type: none"> The person does so without the complainant's consent The person does so by forcible compulsion The person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution The complainant is unconscious or the person knows that the c complainant is unaware that the penetration is occurring The person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant <ul style="list-style-type: none"> Drugs Intoxicants Other means for the purpose of preventing resistance The complainant suffers from a mental disability which renders him or her incapable of consent The complainant is less than 13 years of age The complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other. <p>Institutional sexual assault by peace officers (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none"> A peace officer Employee of an agency employing a peace officer in his official capacity <p><i>Engages in</i></p> <ul style="list-style-type: none"> Sexual intercourse Deviate sexual intercourse Indecent contact <p><i>With another person who is</i></p> <ul style="list-style-type: none"> Under official detention or in the custody of the person A confidential informant of the person <p>Institutional assault by caretakers (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none"> A caretaker <p><i>Engages in</i></p> <ul style="list-style-type: none"> Sexual intercourse Deviate sexual intercourse Indecent contact <p><i>With a</i></p> <ul style="list-style-type: none"> Care-dependent person <p><i>Who</i></p> <ul style="list-style-type: none"> Receives care, services or treatment in or from a facility <p>Institutional sexual assault of a minor in child care (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none"> A volunteer An employee <p><i>Of a</i></p> <ul style="list-style-type: none"> Center for children <p><i>Engages in</i></p> <ul style="list-style-type: none"> Sexual intercourse Deviate sexual intercourse Indecent contact <p><i>With a</i></p> <ul style="list-style-type: none"> Child Who is receiving services at the center <p>Unlawful dissemination of intimate image (second degree misdemeanor) <i>A person</i></p> <ul style="list-style-type: none"> With intent to harass, annoy or alarm <ul style="list-style-type: none"> A current or former sexual or intimate partner Disseminates a visual depiction of the current or former sexual or intimate partner <ul style="list-style-type: none"> In a state of nudity Engaged in sexual conduct 	<p>Involuntary deviate sexual intercourse (first degree felony)</p> <ul style="list-style-type: none"> A person engages in deviate sexual intercourse with a complainant by <ul style="list-style-type: none"> Forcible compulsion Threat of forcible compulsion that would prevent resistance by a person of reasonable resolution Who is unconscious Where the person knows that the complainant is unaware that the sexual intercourse is occurring Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing without the knowledge of the complainant <ul style="list-style-type: none"> Drugs Intoxicants Other means for the purpose of preventing resistance A person engages in deviate sexual intercourse with a complainant who <ul style="list-style-type: none"> Suffers from a mental disability which renders him or her incapable of consent Is less than 16 years of age And the person is four or more years older than the complainant And the complainant and person are not married to each other. <p>Statutory sexual assault (second degree felony)</p> <ul style="list-style-type: none"> Person engages in sexual intercourse with a complainant to who <ul style="list-style-type: none"> The person is not married Who is under the age of 16 years <p><i>And the person is</i></p> <ul style="list-style-type: none"> Four years older but less than eight years older than the complainant Eight years older but less than 11 years older than the complainant <p>Institutional sexual assault in schools (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none"> A volunteer An employee of a school Any other person who has direct contact with a student at a school <p><i>Engages in</i></p> <ul style="list-style-type: none"> Sexual intercourse Deviate sexual intercourse Indecent contact <p><i>With a</i></p> <ul style="list-style-type: none"> Student of the school <p>Institutional sexual assault by sports official, volunteer or employee of nonprofit association (third degree felony) <i>A person who</i></p> <ul style="list-style-type: none"> Serves as a sports official in a sports program of a nonprofit association or a for-profit association Is a volunteer or an employee of a nonprofit association <p><i>Engages in</i></p> <ul style="list-style-type: none"> Sexual intercourse Deviate sexual intercourse Indecent contact <p><i>With</i></p> <ul style="list-style-type: none"> A child under 18 years of age <ul style="list-style-type: none"> Who is participating in a sports program of the nonprofit association or for-profit association Who participates in a program or activity of the nonprofit association <p>Institutional sexual assault by peace officers to a minor (third degree felony) <i>A person who is</i></p> <ul style="list-style-type: none"> A peace officer <p><i>Engages in</i></p> <ul style="list-style-type: none"> Sexual intercourse Deviate sexual intercourse Indecent contact <p><i>With a</i></p> <ul style="list-style-type: none"> Child <p><i>Who is</i></p> <ul style="list-style-type: none"> Under official detention In the custody of the person Is a confidential informant of the person
<p>Sexual extortion (third degree felony) <i>A person</i></p> <ul style="list-style-type: none"> Knowingly or intentionally coerces or causes a complainant <ul style="list-style-type: none"> To engage in sexual conduct <ul style="list-style-type: none"> The simulation of sexual conduct or a state of nudity Make, produce, disseminate, transmit or distribute any image, video, recording, or other material depicting the complainant <ul style="list-style-type: none"> In a state of nudity Engaging in sexual conduct In simulation of sexual conduct <p><i>If the person subjects a complainant through</i></p> <ul style="list-style-type: none"> Harming or threatening to harm <ul style="list-style-type: none"> The complainant The property of the complainant The reputation of the complainant Any other thing of value of the complainant Holding out, withholding or threatening to withhold <ul style="list-style-type: none"> A service Employment Position Other thing of value 	<ul style="list-style-type: none"> Exposing or threatening to expose any fact or piece of information that, if revealed, would tend to subject the complainant to <ul style="list-style-type: none"> Criminal proceedings A civil action Hatred Contempt Embarrassment Ridicule Making, producing, disseminating, transmitting or distributing or threatening to make, produce, disseminate, transmit or distribute <ul style="list-style-type: none"> Any image, video, recording or other material depicting the complainant <ul style="list-style-type: none"> In a state of nudity Engaged in sexual conduct In the simulation of sexual conduct Threatening to cause or causing <ul style="list-style-type: none"> A loss Disadvantage Injury Loss, disadvantage or injury to a family or household member 	<p><i>Or if the person</i></p> <ul style="list-style-type: none"> Solicits or demands from the complainant or family or household member <ul style="list-style-type: none"> The payment of money Property Services For the removal from public view or preventing the disclosure of any image, video, recording or other material Disseminates, transmits or distributes, or threatens to disseminate, transmit or distribute an image, video, recording or other material Depicting the complainant in a state of nudity Engaging in sexual conduct or the simulation of sexual conduct To another person or entity, including a commercial social networking site <ul style="list-style-type: none"> And solicits or demands the payment from the complainant or family or household member of the complainant of <ul style="list-style-type: none"> Money Property Services Any other thing of value In exchange for removing from public view or preventing disclosure of the image, video, recording or other materials
<p>Indecent assault (second degree misdemeanor) <i>A person</i></p> <ul style="list-style-type: none"> Has indecent contact with the complainant Causes the complainant to have indecent contact with the person Intentionally causes the complainant to come into contact with seminal fluid, urine or feces <ul style="list-style-type: none"> For the purpose of arousing sexual desire in the person or the complainant 	<p><i>And the person does so</i></p> <ul style="list-style-type: none"> Without the complainant's consent By forcible compulsion By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution By substantially impairing the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant <ul style="list-style-type: none"> Drugs Intoxicants Other means for the purpose of preventing resistance 	<p><i>On the complainant is</i></p> <ul style="list-style-type: none"> Unconscious or the person knows that the complainant is unaware that the indecent contact is occurring Is less than 13 years of age Is less than 16 years of age And the person is four or more years older than the complainant And the complainant and the person are not married to each other
<p>Indecent exposure (second degree misdemeanor) <i>A person</i></p> <ul style="list-style-type: none"> Exposes his or her genitalia In any public place or in any place where there are present other persons Under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm 		<p>Sexual intercourse with animal (second degree misdemeanor) <i>A person</i></p> <ul style="list-style-type: none"> Engages in any form of sexual intercourse with an animal