Legal Definitions of Sex Crimes in the District of Columbia

* Rape
  + Any person who commits a sexual act upon another person by:
    - using unlawful force against that other person;
    - using force causing or likely to cause death or grievous bodily harm to any person;
    - threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;
    - first rendering that other person unconscious; or
    - administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct
* Sexual Assault
  + Any person who:
    - commits a sexual act upon another person by:
      * threatening or placing that other person in fear;
      * causing bodily harm to that other person;
      * making a fraudulent representation that the sexual act serves a professional purpose; or
      * inducing a belief by any artifice, pretense, or concealment that the person is another person;
    - commits a sexual act upon another person when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring; or
    - commits a sexual act upon another person when the other person is incapable of consenting to the sexual act due to:
      * impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or
      * a mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person; is guilty of sexual assault and shall be punished as a court-martial may direct.
* Sexual Act
  + Contact between the penis and the vulva or anus or mouth, and contact involving the penis occurs upon penetration, however slight; or
  + The penetration, however slight, of the vulva or anus or mouth, of another by any part of the body or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.
* Commercial Sex Act
  + Any sex act, on account of which anything of value is given to or received by any person.
* Sexual Contact
  + Touching, or causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person; or
  + Any touching, or causing another person to touch, either directly or through the clothing, any body part of any person, if done with an intent to arouse or gratify the sexual desire of any person.
* Consent
  + The term “consent” means a freely given agreement to the conduct by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.
  + A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear
  + Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person's actions.
* Lewd Act
  + Any sexual contact with a child;
  + Intentionally exposing one's genitalia, anus, buttocks, or female areola or nipple to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person;
  + Intentionally communicating indecent language to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person; or
  + Any indecent conduct, intentionally done with or in the presence of a child, including via any communication technology, that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.
* Domestic Assault
  + Assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim.
* Coercion
  + Threats of serious harm to or physical restraint against any person;
  + Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
  + The abuse or threatened abuse of law or the legal process.