

# INCEST LAWS

TITLE 13A. CRIMINAL CODE  
CHAPTER 13. OFFENSES AGAINST THE FAMILY

Code of Ala. § 13A-13-3 (2003)

**§ 13A-13-3. Incest**

- (a) A person commits incest if he marries or engages in sexual intercourse with a person he knows to be, either legitimately or illegitimately:
- (1) His ancestor or descendant by blood or adoption; or
  - (2) His brother or sister of the whole or half-blood or by adoption; or
  - (3) His stepchild or stepparent, while the marriage creating the relationship exists; or
  - (4) His aunt, uncle, nephew or niece of the whole or half-blood.
- (b) A person shall not be convicted of incest or of an attempt to commit incest upon the uncorroborated testimony of the person with whom the offense is alleged to have been committed.
- (c) Incest is a Class C felony.

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TITLE 11. CRIMINAL LAW  
CHAPTER 41. OFFENSES AGAINST THE PERSON  
ARTICLE 4. SEXUAL OFFENSES

Alaska Stat. § 11.41.450 (2003)

**Sec. 11.41.450. Incest**

- (a) A person commits the crime of incest if, being 18 years of age or older, that person engages in sexual penetration with another who is related, either legitimately or illegitimately, as
- (1) an ancestor or descendant of the whole or half blood;
  - (2) a brother or sister of the whole or half blood; or

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(3) an uncle, aunt, nephew, or niece by blood.

(b) Incest is a class C felony.

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ARIZONA REVISED STATUTES  
TITLE 13. CRIMINAL CODE  
CHAPTER 36. FAMILY OFFENSES

A.R.S. § 13-3608 (2003)

**§ 13-3608. Incest; classification**

Persons who are eighteen or more years of age and are within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other are guilty of a class 4 felony.

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ARKANSAS CODE  
TITLE 5. CRIMINAL OFFENSES  
SUBTITLE 3. OFFENSES INVOLVING FAMILIES, DEPENDENTS, ETC.  
CHAPTER 26. OFFENSES INVOLVING THE FAMILY  
SUBCHAPTER 2. OFFENSES GENERALLY

A.C.A. § 5-26-202 (2002)

**§ 5-26-202. Incest**

(a) A person commits incest if, being sixteen (16) years of age or older, he purports to marry, has sexual intercourse with, or engages in deviate sexual activity with a person he knows to be:

- (1) An ancestor or a descendant; or
- (2) A stepchild or adopted child; or
- (3) A brother or sister of the whole or half blood; or
- (4) An uncle, aunt, nephew, or niece; or
- (5) A stepgrandchild or adopted grandchild.

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- (b) The relationships referred to in this section shall include blood relationship without regard to legitimacy.
- (c) Incest is a Class C felony; however, incest is a Class A felony if the victim is under sixteen (16) years of age and the perpetrator is over twenty-one (21) years of age at the time of the offense.

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**CALIFORNIA PENAL CODE**  
**PART 1. Crimes and Punishments**  
**TITLE 9. Of Crimes Against the Person Involving Sexual Assault,**  
**and Crimes Against Public Decency and Good Morals   CHAPTER 5.**  
**Bigamy, Incest, and the Crime Against Nature**

Cal Pen Code § 285 (2003)

**§ 285. Incest**

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

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**COLORADO REVISED STATUTES**  
**TITLE 18. CRIMINAL CODE**  
**ARTICLE 6. OFFENSES INVOLVING THE FAMILY RELATIONS**  
**PART 3. INCEST**

C.R.S. 18-6-301 (2002)

**18-6-301. Incest**

- (1) Any person who knowingly marries, inflicts sexual penetration or sexual intrusion on, or subjects to sexual contact, as defined in section 18-3-401, an ancestor or descendant, including a natural child, child by adoption, or stepchild twenty-one years of age or older, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood commits incest, which is a class 4 felony. For the purpose of this section only, "descendant" includes a child by adoption and a stepchild, but only if the person is not legally married to the child by adoption or the stepchild.

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- (2) When a person is convicted, pleads nolo contendere, or receives a deferred sentence for a violation of the provisions of this section and the victim is a child who is ten years of age or older and under eighteen years of age and the court knows the person is a current or former employee of a school district in this state or holds a license or authorization pursuant to the provisions of article 60.5 of title 22, C.R.S., the court shall report such fact to the department of education.

## C.R.S. 18-6-302 (2002)

### **18-6-302. Aggravated incest**

- (1) A person commits aggravated incest when he or she knowingly:
- (a) Marries his or her natural child or inflicts sexual penetration or sexual intrusion on or subjects to sexual contact, as defined in section 18-3-401, his or her natural child, stepchild, or child by adoption, but this paragraph (a) shall not apply when the person is legally married to the stepchild or child by adoption. For the purpose of this paragraph (a) only, "child" means a person under twenty-one years of age.
  - (b) Marries, inflicts sexual penetration or sexual intrusion on, or subjects to sexual contact, as defined in section 18-3-401, a descendant, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood who is under ten years of age.
- (2) Aggravated incest is a class 3 felony.
- (3) When a person is convicted, pleads nolo contendere, or receives a deferred sentence for a violation of the provisions of this section and the court knows the person is a current or former employee of a school district in this state or holds a license or authorization pursuant to the provisions of article 60.5 of title 22, C.R.S., the court shall report such fact to the department of education.
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GENERAL STATUTES OF CONNECTICUT  
TITLE 53a. PENAL CODE  
CHAPTER 952 PENAL CODE: OFFENSES  
PART XVIII BIGAMY AND INCEST  
Conn. Gen. Stat. § 53a-191 (2003)

**§ 53a-191. Incest: Class D felony.**

- (a) A person is guilty of incest when he marries a person whom he knows to be related to him within any of the degrees of kindred specified in section 46b-21.
- (b) Incest is a class D felony.

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DELAWARE CODE ANNOTATED  
TITLE 11. CRIMES AND CRIMINAL PROCEDURE  
PART I. DELAWARE CRIMINAL CODE  
CHAPTER 5. SPECIFIC OFFENSES  
SUBCHAPTER II. OFFENSES AGAINST THE PERSON  
SUBPART D. SEXUAL OFFENSES

11 Del. C. § 766 (2002)

**§ 766. Incest; class A misdemeanor**

- (a) A person is guilty of incest if the person engages in sexual intercourse with another person with whom the person has one of the following relationships:

- A male and his child.
- A male and his parent.
- A male and his brother.
- A male and his sister.
- A male and his grandchild.
- A male and his niece or nephew.
- A male and his father's sister or brother.
- A male and his mother's sister or brother.
- A male and his father's wife.
- A male and his wife's child.
- A male and the child of his wife's son or daughter.
- A female and her parent.
- A female and her child.
- A female and her brother.
- A female and her sister.
- A female and her grandchild.
- A female and her niece or nephew.

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A female and her father's sister or brother.  
A female and her mother's sister or brother.  
A female and her mother's husband.  
A female and her husband's child.  
A female and the child of her husband's son or daughter.

(b) The relationships referred to herein include blood relationships without regard to legitimacy and relationships by adoption.

Incest is a class A misdemeanor and is an offense within the original jurisdiction of the Family Court.

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DISTRICT OF COLUMBIA CODE  
TITLE 22. CRIMINAL OFFENSES AND PENALTIES  
SUBTITLE I. CRIMINAL OFFENSES  
CHAPTER 19. INCEST

D.C. Code § 22-1901 (2003)

**§ 22-1901. Definition and penalty**

If any person in the District related to another person within and not including the fourth degree of consanguinity, computed according to the rules of the Roman or civil law, shall marry or cohabit with or have sexual intercourse with such other so-related person, knowing him or her to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and, on conviction thereof, shall be punished by imprisonment for not more than 12 years.

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Florida Annotated Statutes  
TITLE 46. CRIMES  
CHAPTER 826. BIGAMY; INCEST

Fla. Stat. § 826.04 (2002)

**§ 826.04. Incest**

Whoever knowingly marries or has sexual intercourse with a person to whom he or she is related by lineal consanguinity, or a brother, sister, uncle, aunt, nephew, or niece, commits incest, which constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. "Sexual intercourse" is the penetration of the female sex organ

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by the male sex organ, however slight; emission of semen is not required.

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CODE OF GEORGIA  
TITLE 16. CRIMES AND OFFENSES  
CHAPTER 6. SEXUAL OFFENSES

O.C.G.A. § 16-6-22 (2002)

**§ 16-6-22. Incest**

- (a) A person commits the offense of incest when he engages in sexual intercourse with a person to whom he knows he is related either by blood or by marriage as follows:
- (1) Father and daughter or stepdaughter;
  - (2) Mother and son or stepson;
  - (3) Brother and sister of the whole blood or of the half blood;
  - (4) Grandparent and grandchild;
  - (5) Aunt and nephew; or
  - (6) Uncle and niece.
- (b) A person convicted of the offense of incest shall be punished by imprisonment for not less than one nor more than 20 years.

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HAWAII REVISED STATUTES  
DIVISION 5. CRIMES AND CRIMINAL PROCEEDINGS  
TITLE 37. HAWAII PENAL CODE  
CHAPTER 707. OFFENSES AGAINST THE PERSON  
PART V. SEXUAL OFFENSES

HRS § 707-741 (2003)

**§ 707-741. Incest**

- (1) A person commits the offense of incest if the person commits an act of sexual penetration with another who is within the degrees of consanguinity or affinity within which marriage is

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prohibited.

(2) Incest is a class C felony.

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Idaho PENAL CODE  
TITLE 18. CRIMES AND PUNISHMENTS  
CHAPTER 66. SEX CRIMES  
Idaho Code § 18-6602 (2002)

**§ 18-6602. Incest**

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who commit fornication or adultery with each other, are punishable by imprisonment in the state prison not exceeding ten years.

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ILLINOIS STATUTES  
CHAPTER 720. CRIMINAL OFFENSES  
CRIMINAL CODE  
CRIMINAL CODE OF 1961  
TITLE III. SPECIFIC OFFENSES  
PART B. OFFENSES DIRECTED AGAINST THE PERSON  
ARTICLE 11. SEX OFFENSES

720 ILCS 5/11-11 (2003)[Prior to 1/1/93 cited as: Ill. Rev. Stat., Ch. 38, para. 11-11]

**§ 720 ILCS 5/11-11. Sexual Relations Within Families**

(a) A person commits sexual relations within families if he or she:

- (1) Commits an act of sexual penetration as defined in Section 12-12 of this Code [720 ILCS 5/12-12]; and
- (2) The person knows that he or she is related to the other person as follows:
  - (i) Brother or sister, either of the whole blood or the half blood; or
  - (ii) Father or mother, when the child, regardless of legitimacy and regardless of whether the child

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was of the whole blood or half-blood or was adopted, was 18 years of age or over when the act was committed; or

(iii) Stepfather or stepmother, when the stepchild was 18 years of age or over when the act was committed.

(b) Sentence. Sexual relations within families is a Class 3 felony.

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INDIANA STATUTES  
TITLE 35. CRIMINAL LAW AND PROCEDURE  
ARTICLE 46. MISCELLANEOUS OFFENSES  
CHAPTER 1. OFFENSES AGAINST THE FAMILY

Burns Ind. Code Ann. § 35-46-1-3 (2002)

**§ 35-46-1-3. Incest**

(a) A person eighteen (18) years of age or older who engages in sexual intercourse or deviate sexual conduct with another person, when the person knows that the other person is related to the person biologically as a parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, or nephew, commits incest, a Class C felony. However, the offense is a Class B felony if the other person is less than sixteen (16) years of age.

(b) It is a defense that the accused person's otherwise incestuous relation with the other person was based on their marriage, if it was valid where entered into.

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CODE OF IOWA 2003  
TITLE XVI. CRIMINAL LAW AND PROCEDURE  
SUBTITLE 1. CRIME CONTROL AND CRIMINAL ACTS  
CHAPTER 726. PROTECTION OF THE FAMILY AND DEPENDENT PERSONS

Iowa Code § 726.2 (2003)

**726.2 Incest.**

A person, except a child as defined in section 702.5, who performs a sex act with another whom the person knows to be related to the person, either legitimately or illegitimately, as an ancestor, descendant, brother or sister of the whole or half

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blood, aunt, uncle, niece, or nephew, commits incest. Incest is a class "D" felony.

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KANSAS STATUTES ANNOTATED  
CHAPTER 21. CRIMES AND PUNISHMENTS  
ARTICLE 36. CRIMES AFFECTING FAMILY RELATIONSHIPS AND CHILDREN

K.S.A. § 21-3602 (2002)

**21-3602. Incest.**

Incest is marriage to or engaging in otherwise lawful sexual intercourse or sodomy, as defined by K.S.A. 21-3501 and amendments thereto, with a person who is 18 or more years of age and who is known to the offender to be related to the offender as any of the following biological relatives: parent, child, grandparent of any degree, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.

Incest is a severity level 10, person felony.

K.S.A. § 21-3603 (2002)

**21-3603. Aggravated incest**

(a) Aggravated incest is:

(1) Marriage to a person who is under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece; or

(2) Engaging in:

(A) Otherwise lawful sexual intercourse or sodomy as defined by K.S.A. 21-3501 and amendments thereto; or

(B) any lewd fondling, as described in subsection (a)(1) of K.S.A. 21-3503 and amendments thereto, with a person who is 16 or more years of age but under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree,

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brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.

- (b) Aggravated incest as described in subsection (a)(2)(A) is a severity level 5, person felony. Aggravated incest as described in subsections (a)(1) and (a)(2)(B) is a severity level 7, person felony.

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KENTUCKY REVISED STATUTES  
TITLE L. KENTUCKY PENAL CODE  
CHAPTER 530. FAMILY OFFENSES

KRS § 530.020 (2002)

**§ 530.020. Incest**

- (1) A person is guilty of incest when he has sexual intercourse or deviate sexual intercourse, as defined in KRS 510.010, with a person whom he knows to be an ancestor, descendant, brother, or sister. The relationships referred to herein include blood relationships of either the whole or half blood without regard to legitimacy, relationship of parent and child by adoption, and relationship of stepparent and stepchild.
- (2) Incest is a Class C felony.

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LOUISIANA REVISED STATUTES  
TITLE 14. CRIMINAL LAW  
CHAPTER 1. CRIMINAL CODE  
PART IV. OFFENSES AFFECTING THE FAMILY  
SUBPART B. SEX OFFENSES AFFECTING THE FAMILY

La. R.S. 14:78 (2003)

**§ 78 Incest**

- A. Incest is the marriage to, or sexual intercourse with, any ascendant or descendant, brother or sister, uncle or niece, aunt or nephew, with knowledge of their relationship.
- B. The relationship must be by consanguinity, but it is immaterial whether the parties to the act are legitimate or illegitimate or related to one another by the whole or half

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blood.

- C. This Section shall not apply where one, not a resident of this state at the time of the celebration of his marriage, shall have contracted a marriage lawful at the place of celebration and shall thereafter have removed to this state.
- D. (1) Whoever commits incest, where the crime is between an ascendant and descendant, or between brother and sister, shall be imprisoned at hard labor for not more than fifteen years.
- (2) Whoever commits incest, where the crime is between uncle and niece, or aunt and nephew, shall be fined not more than one thousand dollars, or imprisoned, with or without hard labor, for not more than five years, or both.

**La. R.S. 14:78.1 (2003)**

## **§ 78.1 Aggravated incest**

- A. Aggravated incest is the engaging in any prohibited act enumerated in Subsection B with a person who is under eighteen years of age and who is known to the offender to be related to the offender as any of the following biological, step, or adoptive relatives: child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew, or niece.
- B. The following are prohibited acts under this Section:
  - (1) Sexual intercourse, sexual battery, aggravated sexual battery, carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile, crime against nature, cruelty to juveniles, parent enticing a child into prostitution, or any other involvement of a child in sexual activity constituting a crime under the laws of this state.
  - (2) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child, the offender, or both.
- C. Consent is a defense under this Section to aggravated incest with or upon a stepson or stepdaughter unless the victim is

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less than eighteen years of age.

- D. A person convicted of aggravated incest shall be fined an amount not to exceed fifty thousand dollars, or imprisoned, with or without hard labor, for a term not less than five years nor more than twenty years, or both.
- E. (1) In addition to any sentence imposed under Subsection D, the court shall, after determining the financial resources and future ability of the offender to pay, require the offender, if able, to pay the victim's reasonable costs of counseling that result from the offense.
- (2) The amount, method, and time of payment shall be determined by the court either by ordering that documentation of the offender's financial resources and future ability to pay restitution and of the victim's pecuniary loss submitted by the victim be included in the presentence investigation and report, or the court may receive evidence of the offender's ability to pay and the victim's loss at the time of sentencing.
- (3) The court may provide for payment to a victim up to but not in excess of the pecuniary loss caused by the offense. The offender may assert any defense that he could raise in a civil action for the loss sought to be compensated by the restitution order.
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MAINE REVISED STATUTES  
TITLE 17-A. MAINE CRIMINAL CODE  
PART 2. SUBSTANTIVE OFFENSES  
CHAPTER 23. OFFENSES AGAINST THE FAMILY

17-A M.R.S. § 556 (2003)

§ 556. Incest

NOTICE: SUBSECTION 1 EFFECTIVE JANUARY 31, 2003.

1. A person is guilty of incest if the person is at least 18 years of age and:
- A. Engages in sexual intercourse with another person who the actor knows is related to the actor within the 2nd degree of consanguinity. Violation of this paragraph is

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a Class D crime; or

B. Violates paragraph A and, at the time of the incest, the person has 2 or more prior Maine convictions for violations of this section. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime.

1-A. It is a defense to a prosecution under this section that, at the time the actor engaged in sexual intercourse with the other person, the actor was legally married to the other person.

1-B. As used in this section "sexual intercourse" means any penetration of the female sex organ by the male sex organ. Emission is not required.

NOTICE: SUBSECTION 1-C EFFECTIVE JANUARY 31, 2003.

1-C. As used in this section, "related to the actor within the 2nd degree of consanguinity" has the following meanings.

A. When the actor is a woman, it means the other person is her father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother or mother's brother.

B. When this actor is a man, it means the other person is his mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister or mother's sister.

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CODE OF MARYLAND  
CRIMINAL LAW  
TITLE 3. OTHER CRIMES AGAINST THE PERSON  
SUBTITLE 3. SEXUAL CRIMES  
Md. CRIMINAL LAW Code Ann. § 3-323 (2002)

**§ 3-323. Incest**

(a) Prohibited. -- A person may not knowingly engage in vaginal intercourse with anyone whom the person may not marry under § 2-202 of the Family Law Article.

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(b) Penalty. -- A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 1 year and not exceeding 10 years.

## Md. FAMILY LAW Code Ann. § 2-202 (2002)

### § 2-202. Marriages within certain degrees of relationship void; penalties

- (a) In general. -- Any marriage performed in this State that is prohibited by this section is void.
- (b) Marriages within 3 degrees of direct lineal consanguinity or within first degree of collateral consanguinity prohibited; penalties. --
- (1) A man may not marry his:
- (i) grandmother;
  - (ii) mother;
  - (iii) daughter;
  - (iv) sister; or
  - (v) granddaughter.
- (2) A woman may not marry her:
- (i) grandfather;
  - (ii) father;
  - (iii) son;
  - (iv) brother; or
  - (v) grandson.
- (3) An individual who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine of \$ 1,500.
- (c) Certain marriages within other degrees of affinity or consanguinity prohibited; penalties. --

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- (1) A man may not marry his:
- (i) grandfather's wife;
  - (ii) wife's grandmother;
  - (iii) father's sister;
  - (iv) mother's sister;
  - (v) stepmother;
  - (vi) wife's mother;
  - (vii) wife's daughter;
  - (viii) son's wife;
  - (ix) grandson's wife;
  - (x) wife's granddaughter;
  - (xi) brother's daughter; or
  - (xii) sister's daughter.
- (2) A woman may not marry her:
- (i) grandmother's husband;
  - (ii) husband's grandfather;
  - (iii) father's brother;
  - (iv) mother's brother;
  - (v) stepfather;
  - (vi) husband's father;
  - (vii) husband's son;
  - (viii) daughter's husband;
  - (ix) husband's grandson;

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(x) brother's son;

(xi) sister's son; or

(xii) granddaughter's husband.

(3) An individual who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine of \$ 500.

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LAWS OF MASSACHUSETTS  
PART IV. CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES  
TITLE I. CRIMES AND PUNISHMENTS  
CHAPTER 272. CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND  
GOOD ORDER

ALM GL ch. 272, § 17 (2003)

**§ 17. Incest.**

Persons within degrees of consanguinity within which marriages are prohibited or declared by law to be incestuous and void, who intermarry or have sexual intercourse with each other, or who engage in sexual activities with each other, including but not limited to, oral or anal intercourse, fellatio, cunnilingus, or other penetration of a part of a person's body, or insertion of an object into the genital or anal opening of another person's body, or the manual manipulation of the genitalia of another person's body, shall be punished by imprisonment in the state prison for not more than 20 years or in the house of correction for not more than 2 1/2 years.

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CHAPTER 750 MICHIGAN PENAL CODE  
THE MICHIGAN PENAL CODE  
CHAPTER LXXVI. [CRIMINAL SEXUAL CONDUCT]

MCLS § 750.520b (2002)

**§ 750.520b. Criminal sexual conduct in the first degree; felony.**

(1) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with another person and if any of the following circumstances

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exists:

- (a) That other person is under 13 years of age.
- (b) That other person is at least 13 but less than 16 years of age and any of the following:
  - (i) The actor is a member of the same household as the victim.
  - (ii) The actor is related to the victim by blood or affinity to the fourth degree.
  - (iii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.
  - (iv) The actor is a teacher, substitute teacher, or administrator of the public or nonpublic school in which that other person is enrolled.
- (c) Sexual penetration occurs under circumstances involving the commission of any other felony.
- (d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:
  - (i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
  - (ii) The actor uses force or coercion to accomplish the sexual penetration. Force or coercion includes but is not limited to any of the circumstances listed in subdivision (f)(i) to (v).
- (e) The actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.
- (f) The actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes but is not limited to any of the following circumstances:

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- (i) When the actor overcomes the victim through the actual application of physical force or physical violence.
- (ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats.
- (iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat. As used in this subdivision, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.
- (iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.
- (v) When the actor, through concealment or by the element of surprise, is able to overcome the victim.
- (g) The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
- (h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:
  - (i) The actor is related to the victim by blood or affinity to the fourth degree.
  - (ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.
- (2) Criminal sexual conduct in the first degree is a felony punishable by imprisonment in the state prison for life or for any term of years.

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MCLS § 750.520c (2002)

**§ 750.520c. Criminal sexual conduct in the second degree; felony.**

- (1) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:
- (a) That other person is under 13 years of age.
  - (b) That other person is at least 13 but less than 16 years of age and any of the following:
    - (i) The actor is a member of the same household as the victim.
    - (ii) The actor is related by blood or affinity to the fourth degree to the victim.
    - (iii) The actor is in a position of authority over the victim and the actor used this authority to coerce the victim to submit.
    - (iv) The actor is a teacher, substitute teacher, or administrator of the public or nonpublic school in which that other person is enrolled.
  - (c) Sexual contact occurs under circumstances involving the commission of any other felony.
  - (d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:
    - (i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
    - (ii) The actor uses force or coercion to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in sections 520b(1)(f)(i) to (v).
  - (e) The actor is armed with a weapon, or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon.

# INCEST LAWS

- (f) The actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f)(i) to (v).
- (g) The actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
- (h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:
  - (i) The actor is related to the victim by blood or affinity to the fourth degree.
  - (ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.
- (i) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, the department of corrections who knows that the other person is under the jurisdiction of the department of corrections.
- (j) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, a private vendor that operates a youth correctional facility under section 20g of 1953 PA 232, MCL 791.220g, who knows that the other person is under the jurisdiction of the department of corrections.
- (k) That other person is a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work program or other probationary program and the actor is an employee or a contractual employee of or a volunteer with the county or the department of corrections who knows that the other person is under the county's jurisdiction.
- (l) The actor knows or has reason to know that a court has detained the victim in a facility while the victim is

# INCEST LAWS

awaiting a trial or hearing, or committed the victim to a facility as a result of the victim having been found responsible for committing an act that would be a crime if committed by an adult, and the actor is an employee or contractual employee of, or a volunteer with, the facility in which the victim is detained or to which the victim was committed.

- (2) Criminal sexual conduct in the second degree is a felony punishable by imprisonment for not more than 15 years.

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MINNESOTA STATUTES 2002  
CHAPTER 609 CRIMINAL CODE  
CRIMES AGAINST THE FAMILY

Minn. Stat. § 609.365 (2002)

**609.365 Incest**

Whoever has sexual intercourse with another nearer of kin to the actor than first cousin, computed by rules of the civil law, whether of the half or the whole blood, with knowledge of the relationship, is guilty of **incest** and may be sentenced to imprisonment for not more than ten years.

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MISSISSIPPI CODE  
TITLE 97. CRIMES  
CHAPTER 29. CRIMES AGAINST PUBLIC MORALS AND DECENCY  
IN GENERAL

Miss. Code Ann. § 97-29-27 (2003)

**§ 97-29-27. Incest; marriage within prohibited degrees**

If any person shall marry within the degrees prohibited by law, he shall be guilty of incest, and on conviction thereof he shall be fined five hundred dollars or imprisoned in the penitentiary not longer than ten years, or punished by both such fine and imprisonment, and such marriage shall be void.

Miss. Code Ann. § 97-29-29 (2003)

**§ 97-29-29. Incest; persons divorced for incest not to cohabit or copulate**

If persons divorced for **incest** shall, after such divorce,

# INCEST LAWS

cohabit or live together as man and wife, or be guilty of a single act of adultery or fornication, such persons so offending shall be guilty of **incest** and fined, on conviction, five hundred dollars or be imprisoned in the penitentiary not longer than ten years or both.

**Miss. Code Ann. § 93-1-1 (2003)**

## **§ 93-1-1. Certain marriages declared incestuous and void**

- (1) The son shall not marry his grandmother, his mother, or his stepmother; the brother his sister; the father his daughter, or his legally adopted daughter, or his grand-daughter; the son shall not marry the daughter of his father begotten of his stepmother, or his aunt, being his father's or mother's sister, nor shall the children of brother or sister, or brothers and sisters intermarry being first cousins by blood. The father shall not marry his son's widow; a man shall not marry his wife's daughter, or his wife's daughter's daughter, or his wife's son's daughter, or the daughter of his brother or sister; and the like prohibition shall extend to females in the same degrees. All marriages prohibited by this subsection are incestuous and void.
- (2) Any marriage between persons of the same gender is prohibited and null and void from the beginning. Any marriage between persons of the same gender that is valid in another jurisdiction does not constitute a legal or valid marriage in Mississippi.

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**MISSOURI REVISED STATUTES**  
**TITLE 38. CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS**  
**CHAPTER 568. OFFENSES AGAINST THE FAMILY**

**§ 568.020 R.S.Mo. (2003)**

## **§ 568.020. Incest**

1. A person commits the crime of incest if he marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he knows to be, without regard to legitimacy:
  - (1) His ancestor or descendant by blood or adoption; or

# INCEST LAWS

- (2) His stepchild, while the marriage creating that relationship exists; or
  - (3) His brother or sister of the whole or half-blood; or
  - (4) His uncle, aunt, nephew or niece of the whole blood.
2. For purposes of this section:
- (1) "Sexual intercourse" means any penetration, however slight, of the female sex organ by the male sex organ;
  - (2) "Deviate sexual intercourse" means any act of sexual gratification between persons not lawfully married to one another, involving the genitals of one person and the mouth, tongue or anus of another.
3. Incest is a class D felony.

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**MONTANA CODE ANNOTATED  
TITLE 45 CRIMES  
CHAPTER 5 OFFENSES AGAINST THE PERSON  
PART 5 SEXUAL CRIMES**

**Mont. Code Anno., § 45-5-507 (2002)**

**45-5-507 Incest**

- (1) A person commits the offense of incest if the person knowingly marries, cohabits with, has sexual intercourse with, or has sexual contact, as defined in 45-2-101, with an ancestor, a descendant, a brother or sister of the whole or half blood, or any stepson or stepdaughter. The relationships referred to in this subsection include blood relationships without regard to legitimacy, relationships of parent and child by adoption, and relationships involving a stepson or stepdaughter.
- (2) Consent is a defense under this section to incest with or upon a stepson or stepdaughter, but consent is ineffective if the victim is less than 18 years old.
- (3) A person convicted of incest shall be punished by life imprisonment or by imprisonment in the state prison for a term not to exceed 100 years or be fined an amount not to

# INCEST LAWS

exceed \$ 50,000.

- (4) If the victim is under 16 years of age and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing incest, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than \$ 50,000.
- (5) In addition to any sentence imposed under subsection (3) or (4), after determining the financial resources and future ability of the offender to pay restitution as required by 46-18-242, the court shall require the offender, if able, to pay the victim's reasonable costs of counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244.

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**REVISED STATUTES OF NEBRASKA ANNOTATED  
CHAPTER 28. CRIMES AND PUNISHMENTS  
ARTICLE 7. OFFENSES INVOLVING THE FAMILY RELATION  
R.R.S. Neb. § 28-703 (2002)**

**§ 28-703. Incest; penalty**

- (1) Any person who shall knowingly intermarry or engage in sexual penetration with any person who falls within the degrees of consanguinity set forth in section 28-702 or any person who engages in sexual penetration with his or her minor stepchild commits incest.
- (2) Incest is a Class III felony.
- (3)(a) For purposes of this section, the definitions found in section 28-318 shall be used.
  - (b) The testimony of a victim shall be entitled to the same weight as the testimony of victims of other crimes under this code.

# INCEST LAWS

NEVADA REVISED STATUTES ANNOTATED  
TITLE 15. CRIMES AND PUNISHMENTS  
CHAPTER 201. CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS

BIGAMY, INCEST, SEXUAL ACTS IN PUBLIC AND CRIME AGAINST  
NATURE INVOLVING MINOR

NRS § 201.180 (2002)

**§ 201.180. Incest: Definition; penalty**

Persons being within the degree of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who commit fornication or adultery with each other, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$ 10,000.

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NEW HAMPSHIRE REVISED STATUTES  
TITLE LXII. CRIMINAL CODE

RSA 639:2 (2002)

**§ 639:2. Incest**

- I. A person is guilty of a class B felony if he marries or has sexual intercourse, or lives together with, under the representation of being married, a person whom he knows to be his ancestor, descendant, brother or sister, of the whole or half blood, or an uncle, aunt, nephew or niece; provided, however, that no person under the age of 18 shall be liable under this section if the other party is at least 3 years older at the time of the act. The relationships referred to herein include blood relationships without regard to legitimacy, stepchildren, and relationships of parent and child by adoption.
- II. In cases of alleged incest where the victim is under the age of 18 when the alleged offense occurred, the statute of limitations shall run pursuant to RSA 625:8, III(d).
- III. Notwithstanding the provisions of paragraph I, a person convicted of incest where the victim is under the age of 18 shall be sentenced to a maximum sentence which is not to exceed 20 years and a minimum which is not to exceed 1/2 the maximum. Notwithstanding the provisions of this

# INCEST LAWS

paragraph, no person under 18 years of age shall be subject to any minimum sentence of imprisonment for a conviction of incest under this section.

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**TITLE 2C. THE NEW JERSEY CODE OF CRIMINAL JUSTICE**  
**SUBTITLE 2. SPECIFIC OFFENSES**  
**PART 1. OFFENSES AGAINST THE PERSON**  
**CHAPTER 14. SEXUAL OFFENSES**

**N.J. Stat. § 2C:14-2 (2002)**

**§ 2C:14-2. Sexual assault**

a. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

- (1) The victim is less than 13 years old;
- (2) The victim is at least 13 but less than 16 years old;  
and
  - (a) The actor is related to the victim by blood or affinity to the third degree, or
  - (b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or
  - (c) The actor is a foster parent, a guardian, or stands in loco parentis within the household;
- (3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;
- (4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;
- (5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;

# INCEST LAWS

- (6) The actor uses physical force or coercion and severe personal injury is sustained by the victim;
- (7) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated.

Aggravated sexual assault is a crime of the first degree.

- b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.
- c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:
  - (1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;
  - (2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status;
  - (3) The victim is at least 16 but less than 18 years old and:
    - (a) The actor is related to the victim by blood or affinity to the third degree; or
    - (b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or
    - (c) The actor is a foster parent, a guardian, or stands in loco parentis within the household;
  - (4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sexual assault is a crime of the second degree.

# INCEST LAWS

NEW MEXICO STATUTES ANNOTATED  
CHAPTER 30. CRIMINAL OFFENSES  
ARTICLE 10. MARITAL AND FAMILIAL OFFENSES  
N.M. Stat. Ann. § 30-10-3 (2002)

**§ 30-10-3. Incest**

Incest consists of knowingly intermarrying or having sexual intercourse with persons within the following degrees of consanguinity: parents and children including grandparents and grandchildren of every degree, brothers and sisters of the half as well as of the whole blood, uncles and nieces, aunts and nephews.

Whoever commits incest is guilty of a third degree felony.

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NEW YORK PENAL LAW

PART THREE. SPECIFIC OFFENSES

TITLE O. OFFENSES AGAINST MARRIAGE, THE FAMILY, AND

THE WELFARE OF CHILDREN AND INCOMPETENTS

ARTICLE 255. OFFENSES AFFECTING THE MARITAL RELATIONSHIP

NY CLS Penal § 255.25 (2003)

**§ 255.25. Incest**

A person is guilty of incest when he or she marries or engages in sexual intercourse or deviate sexual intercourse with a person whom he or she knows to be related to him or her, either legitimately or out of wedlock, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest is a class E felony.

# INCEST LAWS

GENERAL STATUTES OF NORTH CAROLINA  
CHAPTER 14. CRIMINAL LAW  
SUBCHAPTER 07 . OFFENSES AGAINST PUBLIC MORALITY AND  
DECENCY  
ARTICLE 26. OFFENSES AGAINST PUBLIC MORALITY AND DECENCY

N.C. Gen. Stat. § 14-178 (2003)

## § 14-178. Incest

- (a) Offense. -- A person commits the offense of incest if the person engages in carnal intercourse with the person's
- (i) grandparent or grandchild,
  - (ii) parent or child or stepchild or legally adopted child,
  - (iii) brother or sister of the half or whole blood, or
  - (iv) uncle, aunt, nephew, or niece.
- (b) Punishment and Sentencing. --
- (1) A person is guilty of a Class B1 felony if either of the following occurs:
    - a. The person commits incest against a child under the age of 13 and the person is at least 12 years old and is at least four years older than the child when the incest occurred.
    - b. The person commits incest against a child who is 13, 14, or 15 years old and the person is at least six years older than the child when the incest occurred.
  - (2) A person is guilty of a Class C felony if the person commits incest against a child who is 13, 14, or 15 and the person is more than four but less than six years older than the child when the incest occurred.
  - (3) In all other cases of incest, the parties are guilty of a Class F felony.
- (c) No Liability for Children Under 16. -- No child under the age of 16 is liable under this section if the other person is at least four years older when the incest occurred.

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NORTH DAKOTA CODE  
TITLE 12.1. CRIMINAL CODE  
CHAPTER 12.1-20. SEX OFFENSES

N.D. Cent. Code, § 12.1-20-11 (2002)

**§ 12.1-20-11. Incest**

A person who intermarries, cohabits, or engages in a sexual act with another person related to him within a degree of consanguinity within which marriages are declared incestuous and void by section 14-03-03, knowing such other person to be within said degree of relationship, is guilty of a class C felony.

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OHIO REVISED CODE  
TITLE XXIX [29] CRIMES -- PROCEDURE  
CHAPTER 2907: SEX OFFENSES  
[SEXUAL ASSAULTS]

ORC Ann. 2907.03 (Anderson 2002)

**§ 2907.03 Sexual battery**

- (A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:
- (1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.
  - (2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.
  - (3) The offender knows that the other person submits because the other person is unaware that the act is being committed.
  - (4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.
  - (5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or

# INCEST LAWS

person in loco parentis of the other person.

- (6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.
  - (7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.
  - (8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.
  - (9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.
  - (10) The offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes.
  - (11) The other person is confined in a detention facility, and the offender is an employee of that detention facility.
- (B) Whoever violates this section is guilty of sexual battery, a felony of the third degree.
- (C) As used in this section:
- (1) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.

# INCEST LAWS

- (2) "Institution of higher education" means a state institution of higher education defined in section 3345.011 [3345.01.1] of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code.

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OKLAHOMA STATUTES  
TITLE 21. CRIMES AND PUNISHMENTS  
PART IV. CRIMES AGAINST PUBLIC DECENCY AND MORALITY  
CHAPTER 34. BIGAMY, INCEST AND SODOMY

21 Okl. St. § 885 (2002)

**§ 885. Incest**

Persons who, being within the degrees of consanguinity within which marriages are by the laws of the state declared incestuous and void, intermarry with each other, or commit adultery or fornication with each other, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

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OREGON REVISED STATUTES  
TITLE 16. CRIMES AND PUNISHMENTS  
CHAPTER 163. OFFENSES AGAINST PERSONS

ORS § 163.525 (2001)

**163.525. Incest.**

- (1) A person commits the crime of incest if the person marries or engages in sexual intercourse or deviate sexual intercourse with a person whom the person knows to be related to the person, either legitimately or illegitimately, as an ancestor, descendant or brother or sister of either the whole or half blood.
- (2) Incest is a Class C felony.

# INCEST LAWS

PENNSYLVANIA CONSOLIDATED STATUTES  
TITLE 18. CRIMES AND OFFENSES  
PART II. DEFINITION OF SPECIFIC OFFENSES  
ARTICLE D. OFFENSES AGAINST THE FAMILY  
CHAPTER 43. OFFENSES AGAINST THE FAMILY  
SUBCHAPTER A. DEFINITION OF OFFENSES GENERALLY

18 Pa.C.S. § 4302 (2002)

**§ 4302. Incest**

A person is guilty of incest, a felony of the second degree, if that person knowingly marries or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood. The relationships referred to in this section include blood relationships without regard to legitimacy, and relationship of parent and child by adoption.

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GENERAL LAWS OF RHODE ISLAND  
TITLE 11. CRIMINAL OFFENSES  
CHAPTER 37. SEXUAL ASSAULT

R.I. Gen. Laws § 11-37-8.1 (2002)

**§ 11-37-8.1. First degree child molestation sexual assault**

A person is guilty of first degree child molestation sexual assault if he or she engages in sexual penetration with a person fourteen (14) years of age or under.

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CODE OF LAWS OF SOUTH CAROLINA  
TITLE 16. CRIMES AND OFFENSES  
CHAPTER 15. OFFENSES AGAINST MORALITY AND DECENCY  
ARTICLE 1. MISCELLANEOUS OFFENSES

S.C. Code Ann. § 16-15-20 (2002)

**§ 16-15-20. Incest.**

Any persons who shall have carnal intercourse with each other within the following degrees of relationship, to wit:

- (1) A man with his mother, grandmother, daughter, granddaughter, stepmother, sister, grandfather's wife, son's wife, grandson's wife, wife's mother, wife's

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grandmother, wife's daughter, wife's granddaughter, brother's daughter, sister's daughter, father's sister or mother's sister; or

- (2) A woman with her father, grandfather, son, grandson, stepfather, brother, grandmother's husband, daughter's husband, granddaughter's husband, husband's father, husband's grandfather, husband's son, husband's grandson, brother's son, sister's son, father's brother or mother's brother;

Shall be guilty of incest and shall be punished by a fine of not less than five hundred dollars or imprisonment not less than one year in the Penitentiary, or both such fine and imprisonment.

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## SOUTH DAKOTA CODIFIED LAWS S.D. Codified Laws § 25-1-6 (2002)

### § 25-1-6. Incestuous marriages void

Marriages between parents and children, ancestors and descendants of every degree, and between brothers and sisters of the half as well as the whole blood, and between uncles and nieces, or aunts and nephews, and between cousins of the half as well as of the whole blood, are null and void from the beginning, whether the relationship is legitimate or illegitimate. The relationships provided for in this section include such relationships that arise through adoption.

## S.D. Codified Laws § 22-22-19.1 (2002)

### § 22-22-19.1. Incest -- Prohibited sexual contact -- Felony

Any person, fourteen years of age or older, who knowingly engages in sexual contact with another person, other than that person's spouse, if the other person is under the age of twenty-one and is within the degree of consanguinity or affinity within which marriages are by the laws of this state declared void pursuant to § 25-1-6, is guilty of a Class 5 felony. Notwithstanding § 23A-42-2 a charge brought pursuant to this section may be commenced at any time prior to the time the victim becomes age twenty-five or within seven years of the commission of the crime, whichever is longer.

# INCEST LAWS

TENNESSEE CODE ANNOTATED  
TITLE 39. CRIMINAL OFFENSES  
CHAPTER 15. OFFENSES AGAINST THE FAMILY  
PART 3. BIGAMY AND INCEST

Tenn. Code Ann. § 39-15-302 (2002)

**39-15-302. Incest**

- (a) A person commits incest who engages in sexual penetration as defined in § 39-13-501, with a person, knowing such person to be, without regard to legitimacy:
- (1) The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or
  - (2) The person's brother or sister of the whole or half-blood or by adoption.
- (b) Incest is a Class C felony.
- 

TEXAS PENAL CODE  
TITLE 6. OFFENSES AGAINST THE FAMILY  
CHAPTER 25. OFFENSES AGAINST THE FAMILY

Tex. Penal Code § 25.02 (2002)

**§ 25.02. Prohibited Sexual Conduct**

- (a) An individual commits an offense if he engages in sexual intercourse or deviate sexual intercourse with a person he knows to be, without regard to legitimacy:
- (1) his ancestor or descendant by blood or adoption;
  - (2) his stepchild or stepparent, while the marriage creating that relationship exists;
  - (3) his parent's brother or sister of the whole or half blood;
  - (4) his brother or sister of the whole or half blood or by adoption; or

# INCEST LAWS

- (5) the children of his brother or sister of the whole or half blood or by adoption.
- (b) For purposes of this section:
- (1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
- (2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (c) An offense under this section is a felony of the third degree.

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**TITLE 76. UTAH CRIMINAL CODE  
CHAPTER 7. OFFENSES AGAINST THE FAMILY  
PART 1. MARITAL VIOLATIONS**

**Utah Code Ann. § 76-7-102 (2003)**

**§ 76-7-102. Incest**

- (1) A person is guilty of incest when, under circumstances not amounting to rape, rape of a child or aggravated sexual assault, he has sexual intercourse with a person whom he knows to be an ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin. The relationships referred to herein include blood relationships of the whole or half blood without regard to legitimacy, relationship of parent and child by adoption, and relationship of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.
- (2) Incest is a felony of the third degree.

# INCEST LAWS

VERMONT STATUTES  
TITLE THIRTEEN. CRIMES AND CRIMINAL PROCEDURE  
PART 1. CRIMES  
CHAPTER 5. ADULTERY AND BIGAMY

13 V.S.A. § 205 (2003)

**§ 205. Intermarriage of or fornication by persons prohibited to marry**

Persons between whom marriages are prohibited by the laws of this state who intermarry or commit fornication with each other shall be imprisoned not more than five years or fined not more than \$ 1,000.00, or both.

TITLE 18.2. CRIMES AND OFFENSES GENERALLY  
CHAPTER 8. CRIMES INVOLVING MORALS AND DECENCY  
ARTICLE 4. FAMILY OFFENSES; CRIMES AGAINST CHILDREN, ETC

Va. Code Ann. § 18.2-366 (2003)

**§ 18.2-366. Adultery and fornication by persons forbidden to marry; incest**

- A. Any person who commits adultery or fornication with any person whom he or she is forbidden by law to marry shall be guilty of a Class 1 misdemeanor except as provided by subsection B.
- B. Any person who commits adultery or fornication with his daughter or granddaughter, or with her son or grandson, or her father or his mother, shall be guilty of a Class 5 felony. However, if a parent or grandparent commits adultery or fornication with his or her child or grandchild, and such child or grandchild is at least thirteen years of age but less than eighteen years of age at the time of the offense, such parent or grandparent shall be guilty of a Class 3 felony.

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TITLE 9A. WASHINGTON CRIMINAL CODE  
CHAPTER 9A.64. FAMILY OFFENSES

Rev. Code Wash. (ARCW) § 9A.64.020 (2003)

**§ 9A.64.020. Incest**

- (1) A person is guilty of incest in the first degree if he engages in sexual intercourse with a person whom he knows to be related to him, either legitimately or illegitimately, as

# INCEST LAWS

an ancestor, descendant, brother, or sister of either the whole or the half blood.

- (2) A person is guilty of incest in the second degree if he engages in sexual contact with a person whom he knows to be related to him, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.
- (3) As used in this section, "descendant" includes stepchildren and adopted children under eighteen years of age.
- (4) As used in this section, "sexual contact" has the same meaning as in RCW 9A.44.010.
- (5) As used in this section, "sexual intercourse" has the same meaning as in RCW 9A.44.010.
- (6) Incest in the first degree is a class B felony.
- (7) Incest in the second degree is a class C felony.

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**WEST VIRGINIA CODE ANNOTATED**  
**CHAPTER 61. CRIMES AND THEIR PUNISHMENT**  
**ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY**

**W. Va. Code § 61-8-12 (2003)**

**§ 61-8-12. Incest; penalty**

(a) For the purposes of this section:

- (1) "Aunt" means the sister of a person's mother or father;
- (2) "Brother" means the son of a person's mother or father;
- (3) "Daughter" means a person's natural daughter, adoptive daughter or the daughter of a person's husband or wife;
- (4) "Father" means a person's natural father, adoptive father or the husband of a person's mother;

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- (5) "Granddaughter" means the daughter of a person's son or daughter;
  - (6) "Grandfather" means the father of a person's father or mother;
  - (7) "Grandmother" means the mother of a person's father or mother;
  - (8) "Grandson" means the son of a person's son or daughter;
  - (9) "Mother" means a person's natural mother, adoptive mother or the wife of a person's father;
  - (10) "Niece" means the daughter of a person's brother or sister;
  - (11) "Nephew" means the son of a person's brother or sister;
  - (12) "Sexual intercourse" means any act between persons involving penetration, however slight, of the female sex organ by the male sex organ or involving contact between the sex organs of one person and the mouth or anus of another person;
  - (13) "Sexual intrusion" means any act between persons involving penetration, however slight, of the female sex organ or of the anus of any person by an object for the purpose of degrading or humiliating the person so penetrated or for gratifying the sexual desire of either party;
  - (14) "Sister" means the daughter of a person's father or mother;
  - (15) "Son" means a person's natural son, adoptive son or the son of a person's husband or wife; and
  - (16) "Uncle" means the brother of a person's father or mother.
- (b) A person is guilty of incest when such person engages in sexual intercourse or sexual intrusion with his or her father, mother, brother, sister, daughter, son, grandfather, grandmother, grandson, granddaughter, nephew, niece, uncle or

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aunt.

- (c) Any person who violates the provisions of this section shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than five years nor more than fifteen years, or fined not less than five hundred dollars nor more than five thousand dollars and imprisoned in the penitentiary not less than five years nor more than fifteen years.
- (d) In addition to any penalty provided under this section and any restitution which may be ordered by the court under article eleven-a [§§ 61-11A-1 et seq.] of this chapter, the court may order any person convicted under the provisions of this section where the victim is a minor to pay all or any portion of the cost of medical, psychological or psychiatric treatment of the victim, the need for which results from the act or acts for which the person is convicted, whether or not the victim is considered to have sustained bodily injury.
- (e) In any case where a person is convicted of an offense described herein against a child and further has or may have custodial, visitation or other parental rights to the child, the court shall find that the person is an abusing parent within the meaning of article six [§§ 49-6-1 et seq.], chapter forty-nine of this code, and shall take such further action in accord with the provisions of said article.

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**WISCONSIN STATUTES  
CRIMINAL CODE  
CHAPTER 944. CRIMES AGAINST SEXUAL MORALITY  
SUBCHAPTER II SEXUAL CRIMES WHICH AFFECT THE FAMILY**

**Wis. Stat. § 944.06 (2002)**

**944.06. Incest.**

Whoever marries or has nonmarital sexual intercourse with a person he or she knows is a blood relative and such relative is in fact related in a degree within which the marriage of the parties is prohibited by the law of this state is guilty of a Class F felony.

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WYOMING STATUTES ANNOTATED  
TITLE 6. CRIMES AND OFFENSES  
CHAPTER 4. OFFENSES AGAINST MORALS, DECENCY AND FAMILY  
ARTICLE 4. OFFENSES AGAINST THE FAMILY

Wyo. Stat. § 6-4-402 (2002)

**§ 6-4-402. Incest; penalties; disclosure or publication of identifying information; "minor victim"**

- (a) A person is guilty of incest if he knowingly commits sexual intrusion, as defined by W.S. 6-2-301(a)(vii), or sexual contact, as defined by W.S. 6-2-301(a)(vi), with an ancestor or descendant or a brother or sister of the whole or half blood. The relationships referred to herein include relationships of:
- (i) Parent and child by adoption;
  - (ii) Blood relationships without regard to legitimacy; and
  - (iii) Stepparent and stepchild.
- (b) Incest is a felony punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$ 5,000.00), or both.
- (c) Prior to the filing of an information or indictment charging a violation under this section, neither the name of the person accused or the victim nor any other information reasonably likely to disclose their identity shall be released or negligently allowed to be released to the public by any public employee, except as authorized by the judge or justice with jurisdiction over the criminal charges. The name of the person accused may be released to the public to aid or facilitate an arrest.
- (d) After the filing of an information or indictment and upon the request of a minor victim or another acting on behalf of a minor victim, the trial court may, to the extent necessary to protect the welfare of the minor victim, restrict the disclosure or publication of information reasonably likely to identify the minor victim.
- (e) Any person who willfully violates subsection (c) or (d) of this section or who willfully neglects or refuses to obey any court order made pursuant thereto is guilty of contempt and, upon conviction, shall be fined not more than seven hundred

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fifty dollars (\$ 750.00) or be imprisoned in the county jail not more than ninety (90) days, or both.

- (f) A release of a name or other information to the public in violation of the proscriptions of subsection (c) or (d) of this section shall not stand as a bar to the prosecution of a defendant nor be grounds for dismissal of any charges against a defendant.
  - (g) As used in this section, "minor victim" means a person under the age of eighteen (18) years.
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