

## **State of Michigan Definition**

There are four degrees of Criminal Sexual Conduct (CSC) under Michigan law and they cover a range of sexual contact and levels of force or intimidation. Survivor resistance is not a factor in assessing CSC and the law is gender neutral. Marital rape has also been illegal in Michigan since 1988.

### **First Degree Criminal Sexual Conduct**

- i. Sexual Penetration (sexual intercourse, cunnilingus, fellatio, anal intercourse, any other intrusion of a body part or an object into genital or anal openings); and
- ii. One of the following circumstances:
  - a. Victim under 13
  - b. Victim 14, 15, or 16 and one of the following:
    - i. member of the same household
    - ii. related by blood or affinity
    - iii. assailant in position of authority over victim
  - c. Occurs during commission of another felony
  - d. Assailant is aided by another person, and one of the following:
    - i. victim incapacity \* (victim is mentally incapable, mentally incapacitated, and/or physically helpless – see definitions of these below)
    - ii. assailant uses force or coercion
  - e. Weapon involved
  - f. Force or coercion and personal injury (bodily injury, disfigurement, mental anguish, chronic pain, pregnancy, disease, or loss or impairment of a sexual or reproductive organ)
  - g. Personal injury and victim incapacity
  - h. Victim incapacity and one of the following:
    - i. related by blood or marriage
    - ii. assailant in position of authority over victim

\*Punishable by up to life imprisonment.

### **Second Degree Criminal Sexual Conduct**

1. Sexual Contact (intentional touching of intimate parts or clothing covering intimate parts, for the purpose of sexual arousal or gratification) and
2. Any of the circumstances listed for 1st degree CSC

\*Punishable by up to 15 year's imprisonment.

### **Third Degree Criminal Sexual Conduct**

- i. Penetration (see definition under CSC 1), and
- ii. One of the following circumstances:
  - a. Victim 13, 14, or 15
  - b. Force or coercion
  - c. Victim incapacity

\*Punishable by up to 15 year's imprisonment.

### **Fourth Degree Criminal Sexual Conduct**

- i. Sexual Contact (see definition under CSC 2), and
- ii. One of the following circumstances:
  - a. Force or coercion
  - b. Victim incapacity
  - c. Assailant is employed by department of corrections in which victim is incarcerated

\*Punishable by up to 2 year's imprisonment and/or fine of \$500.00.

**Mentally incapable** – a mental disease or defect makes the victim incapable of understanding the nature of his/her conduct.

**Mentally incapacitated** – victim is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic or other substance administered without consent or due to any other act committed upon the victim without consent.

**Physically helpless** – victim is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to act.