

**Subject** Criminal sexual conduct reform; Hannah's Law

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## Overview

This bill contains a variety of criminal sexual conduct policy reforms.

## Summary

Section	Description
1	<p><b>Title.</b></p> <p>Entitles this proposed act as "Hannah's Law."</p>
2	<p><b>Consent.</b></p> <p>Modifies the definition of "consent" as the term is used in the state's criminal sexual conduct (CSC) laws by adding the requirement that consent be "knowingly" given.</p>
3	<p><b>Mentally incapacitated.</b></p> <p>Modifies the definition of "mentally incapacitated" as the term is used in the state's CSC laws by removing the requirement that the judgment-altering substance be <u>administered</u> to the victim as a pre-requisite to a claim of mental incapacitation.</p>
4	<p><b>Current or recent position of authority.</b></p> <ul style="list-style-type: none"><li>▪ Broadens the definition of "position of authority" in the state's CSC laws. Currently, felony penalties apply to an adult who sexually penetrates or contacts a 16 or 17 year old juvenile when the adult is in a position of authority over the juvenile. The bill extends the definition so that an adult who was recently (i.e., within the past 120 days) in a position of authority over a 16 or 17 year old is also subject to criminal penalties for having a sexual relationship with the juvenile.</li><li>▪ Extends the definition of position of authority to cases where an adult "assumes" authority over a victim. Currently, the provision only applies when the adult is "charged" with providing some parental obligation to the juvenile.</li></ul>

Section	Description
5	<p><b>Crime defined.</b></p> <p>Applies the revised definition of “current or recent position of authority” to first degree CSC offenses.</p>
6	<p><b>Crime defined.</b></p> <p>Applies the revised definition of “current or recent position of authority” to second degree CSC offenses.</p>
7	<p><b>Crime defined.</b></p> <ul style="list-style-type: none"><li>▪ Removes the mistake of age affirmative defense to a third degree CSC offense involving a victim between the ages of 13 and 16.</li><li>▪ Applies the revised definition of “current or recent position of authority” to third degree CSC offenses.</li></ul>
8	<p><b>Crime defined.</b></p> <ul style="list-style-type: none"><li>▪ Removes the mistake of age affirmative defense to a fourth degree CSC offense involving a victim between the ages of 13 and 16.</li><li>▪ Applies the revised definition of “current or recent position of authority” to fourth degree CSC offenses.</li></ul>
9	<p><b>Limitations.</b></p> <p>Eliminates the existing statutes of limitations that apply in sex trafficking and first through fourth degree criminal sexual conduct offenses and provides that criminal charges for those offenses can be brought at any time after the commission of the offense.</p>



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