

State	Action	Perpetrator	Victim	Type of offense	Defenses e.g. consent
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STATE-BY-STATE COMPARISON OF CUSTODIAL SEXUAL MISCONDUCT LAWS

Federal 18 U.S.C. § 2243.	Sexual act.	Person who has custodial, supervisory or disciplinary authority over the victim.	Person who is in official detention or in custody.	Felony.	
Alabama Ala. Code 1975 § 14-11-31.	Sexual conduct.	Employee, sheriff, probation or parole officer that supervises victim.	Person in custody, on probation, or under parole supervision.	Class C felony.	Victim's consent is not a defense.
Alaska Alaska Stat. § 11.41.410. Alaska Stat. § 11.41.420. Alaska Stat. § 11.41.425. Alaska Stat. § 11.41.427.	Sexual penetration.	Employee who knows that the victim is in custody.	Person in custody.	§ 11.41-410: Unspecified felony. § 11.41-420: Class B felony § 11.41-425: Class C felony. §11.41.427: Misdemeanor	
Arizona Ariz. Rev. Stat. Ann. § 13-1419.	Sexual contact or sexual intercourse.	Employee, contractor, official visitor, volunteer or agency representative.	Person in custody or under the supervision of the state department of corrections, the department of	Class 5 felony.	

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			juvenile corrections, a private prison facility or a city county jail.		
Arkansas Ark. Code Ann. § 5-14-126.	Sexual intercourse or “deviate sexual activity.”	Employee a professional or member of clergy in a position of trust or authority over the victim who uses such position to commit the crime.	Person in custody.	Class C felony.	Victim’s consent is not a defense.
California Cal. Penal Code § 289.6.	Sexual activity.	Employee, officer, service provider or volunteer.	Inmate, ward or parolee.	Misdemeanor, except it is a felony if the perpetrator has a prior conviction for this offense.	Victim’s consent is not a defense.
Colorado Colo. Rev. Stat. § 18-7-701. Colo. Rev. Stat. § 18-3-404.	Sexual conduct.	Employee, contract employee or volunteer.	Person in custody.	Felony, except sexual contact by a volunteer is a misdemeanor.	
Connecticut Conn. Gen. Stat. § 53a-71. Conn. Gen. Stat. § 53a-73a.	Sexual intercourse or subjects another to sexual contact.	Person that has supervisory or disciplinary authority over the victim.	Person in custody or detained.	Felony or misdemeanor.	

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Delaware Del. Code Ann. tit. 11, § 1259.	Sexual intercourse or “deviate sexual intercourse.”	Employee or person in custody.	Employee or person in custody.	Class G felony.	Victim’s consent is not a defense.
District of Columbia D.C. Code Ann. § 22-3013. D.C. Code Ann. § 22-3014. D.C. Code Ann. § 22-3017.	§ 22-3013: Sexual act or engages another to submit to a sexual act. § 22-3014: Sexual contact or engages another to submit to sexual contact.	Person who has supervisory or disciplinary authority over the victim.	Person in custody, a ward or resident of an institution.	Felony (both provisions).	Victim’s consent is not a defense.
Florida Fla. Stat. Ann. § 794.011. Fla. Stat. Ann. § 944.35.	Sexual penetration.	Law enforcement officer, correctional officer, probation officer or other person in a position of control or authority in a probation, community control, controlled release, detention, custodial or similar setting.	Person who is reasonably led to believe that the perpetrator is in a position of control or authority as an agent or employee of government	First degree felony.	Victim’s consent is not a defense. It is also not a defense that the perpetrator was not actually in a position of authority.
Georgia Ga. Code Ann. § 16-6-5.1.	Sexual contact.	A probation officer, parole officer, other custodian or supervisor who has supervisory or disciplinary authority over the victim.	Person in custody, detained, on probation or under parole supervision.	Felony.	Victim’s consent is not a defense.

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Hawaii Haw. Rev. Stat. Ann. § 707-731. Haw. Rev. Stat. Ann. § 707-732.	§ 707-731: Sexual penetration. § 707-732: Sexual contact.	Law enforcement officer or employee of the correctional facility or service provider.	Person confined to a prison or detention facility or residing in a private correctional facility.	§707-731: Class B felony. §707-732: Class C felony.	
Idaho Idaho Code § 18-6110.	Sexual contact.	Employee, officer or agent.	Inmate.	Felony.	
Illinois 720 Ill. Comp. Stat. 5/11-9.2.	Sexual conduct or sexual penetration.	Employee, probation officer or person with supervisory or custodial authority over the victim.	Person in the custody where the perpetrator works or probationer, parolee, releasee or person serving a term of conditional release who is under the supervisory, disciplinary or custodial authority of the perpetrator.	Class 3 felony.	Victim's consent is not a defense. It is a defense if the perpetrator does not know or have reason to believe that the victim is in custody.
Indiana Ind. Code § 35-44-1-5.	Sexual intercourse or "deviate sexual conduct."	Public servant, employee or service provider.	Detainee.	Class D felony.	Victim's consent is not a defense.
Iowa Iowa Code § 709.16.	Sexual act.	Officer, employee, contractor, vendor, volunteer or agent.	Person in custody or incarcerated.	Aggravated misdemeanor.	

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Kansas Kan. Stat. Ann. § 21-3520.	Sexual intercourse, lewd fondling or touching or sodomy.	Employee, parole officer, court services officer or community correctional services officer.	Inmate, person on parole, conditional release or post-release supervision and under the authority of the perpetrator.	Felony.	Victim's consent is not a defense.
Kentucky Ky. Rev. Stat. Ann. § 510.120. Ky. Rev. Stat. Ann. § 510.020.	Sexual contact.	Employee, contractor, vendor or volunteer.	Person in a detention facility.	Class A misdemeanor.	Victim's consent is not a defense.
Louisiana La. Rev. Stat. Ann. § 14:134.1.	Sexual intercourse or any other sexual conduct.	Officer or employee.	Person confined in a prison, jail or correctional institution.	Felony.	
Maine Me. Rev. Stat. Ann. tit. 17-A, § 253. Me. Rev. Stat. Ann. tit. 17-A, § 255-A.	§ 253: Sexual act. § 255-A: Sexual contact.	Person with supervisory or disciplinary authority over the victim.	Inmate, person on probation or parole.	§ 253: Class B crime. §255-A: Class C or D crime	
Maryland Md. Code Ann. §3-314.	Vaginal intercourse or a sexual act.	Correctional employee.	Inmate.	Misdemeanor.	

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Massachusetts Mass. Gen. Laws, ch. 268, §21A.	Sexual relations.	Officer, employee or other person who has direct custodial supervision and control of the victim.	Inmate.	Felony.	Victim's consent is not a defense.
Michigan Mich. Comp. Laws § 750.520c.	Sexual contact.	Employee, contractual employee or volunteer.	Detainee, probationer or person awaiting a trial or hearing.	Felony.	
Minnesota Minn. Stat. § 609.344. Minn. Stat. § 609.345.	§ 609.344: Sexual penetration. § 609.345: Sexual contact.	Employee, independent contractor or volunteer.	Resident of a facility or under supervision of the correctional system.	Felony (both provisions).	Victim's consent is not a defense.
Mississippi Miss. Code Ann. § 97-3-104.	Sexual penetration or "carnal knowledge."	Jailer, guard, employee or other official.	Person who is incarcerated, on probation, parole, earned-release supervision or post-release supervision.	Felony.	Victim's consent is not a defense.
Missouri Mo. Rev. Stat. § 566.145.	Sexual intercourse or "deviate sexual intercourse."	Employee or probation or parole officer who directly supervises the victim.	Person in custody, on probation or on parole.	Class D felony.	Victim's consent is not a defense.
Montana Mont. Code Ann. § 45-5-502. Mont. Code Ann. § 45-5-503.	Sexual contact.	Employee, contractor or volunteer who has supervisory or disciplinary authority over the victim.	Incarcerated person.	Misdemeanor.	Victim's consent is not a defense.

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Nebraska Neb. Rev. Stat. § 28-322.	Sexual penetration or sexual contact.	Employee, contract employee or other person with control over the victim or the victim's activities.	Individual confined in a facility or under parole supervision.	Felony.	Victim's consent is not a defense.
Nevada Nev. Rev. Stat. Ann. § 212.187.	Sexual conduct.	Prisoner or any person who engages in sexual conduct with a prisoner.	Prisoner or any person who engages in sexual conduct with a prisoner.	Category D felony.	
New Hampshire N.H. Rev. Stat. Ann. § 632-A:2. N.H. Rev. Stat. Ann. § 632-A:3.	632-A:2 : Sexual penetration. 632-A:3 : Sexual contact.	Person with direct supervisory or disciplinary authority over the victim.	Person who is incarcerated, on probation or under parole supervision.	Felony (both provisions)	Victim's consent is not a defense.
New Jersey N.J. Stat. Ann. § 2C:14-2.	Sexual penetration.	Person with supervisory or disciplinary power over the victim.	Detainee or person on probation or parole.	Second degree felony.	
New Mexico N.M. Stat. Ann. §30-9-11.	Sexual intercourse or penetration.	Person in position of authority over the victim.	Inmate.	Second degree felony.	
New York N.Y. Penal Law § 130.05.	Sexual act.	Officer, contractor or [<i>effective Nov. 1, 2007</i>] volunteer providing direct services to inmates where the victim is incarcerated.	Person in care and custody of a correctional facility.		Victim's consent is not a defense.

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North Carolina N.C. Gen. Stat. § 14 27.7.	Vaginal intercourse or a sexual act.	Agent or employee.	Person in custody.	Class E felony.	Victim's consent is not a defense.
North Dakota N.D. Cent. Code § 12.1-20-06. N.D. Cent. Code § 12.1-20-07.	Sexual act, causing another to engage in a sexual act or sexual contact.	Person with supervisory or disciplinary authority over the victim.	Person in custody or detained.	Class C felony.	
Ohio Ohio Rev. Code Ann. § 2907.03.	Sexual conduct.	Employee or person that has supervisory or disciplinary authority over the victim.	Person in custody or confined in a detention facility.	Third degree felony.	
Oklahoma Okla. Stat. Ann. tit. 21, § 1111. Okla. Stat. Ann. tit. 21, § 1114.	Sexual intercourse involving vaginal or anal penetration.	Employee or contractual employee.	Person in legal custody.	Felony.	

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<p>Oregon Or. Rev. Stat. § 163.452. Or. Rev. Stat. § 163.454.</p>	<p>§ 163.425: Sexual intercourse or “deviate sexual intercourse or penetration.” § 163.454: Sexual contact.</p>	Employee.	Person in custody, on probation, parole, post-prison supervision or other form of conditional or supervised release.	<p>§ 163.425: Class C felony. § 163.454: Misdemeanor.</p>	Victim’s consent is not a defense. Lack of supervisory authority over the victim is a defense, if the victim is on probation, parole, post-release supervision or other supervised release.
<p>Pennsylvania Pa. Cons. Stat. § 3124.2.</p>	Sexual intercourse, “deviate sexual intercourse,” or “indecent contact.”	Employee or agent.	Inmate, detainee, patient or resident.	Third degree felony.	
<p>Rhode Island R.I. Gen. Laws § 11-25-24.</p>	Sexual penetration.	Employee or contractual employee that directly supervises and controls the victim.	Inmate.	Felony.	
<p>South Carolina S.C. Code Ann. § 44-23-1150.</p>	Sexual intercourse or other sexual contact.	Employee, volunteer, agent, contractor or person that supervises inmate labor details or who has supervisory responsibility over victim.	Inmate, patient or person on parole, probation or other community supervision programs.	Felony.	Victim’s consent is not a defense.

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South Dakota S.D. Codified Laws § 24-1-26.1.	Sexual penetration.	Employee that has custodial, supervisory or disciplinary authority over the victim.	Person in detention.	Class 6 felony.	
Tennessee Tenn. Code Ann. § 39-16-408.	Sexual contact or sexual penetration.	Law enforcement officer, correctional employee, vendor or volunteer.	Inmate.	Class E felony.	
Texas Tex. Penal Code Ann. § 39.04.	Sexual contact, sexual intercourse or “deviate sexual intercourse.”	Official, employee, contractual employee, volunteer or peace officer.	Person in custody or under the supervision of the Department of Criminal Justice.	Felony.	
Utah Utah Code Ann. §76-5-412.	Sexual intercourse, any sexual act or “penetration with the intent to cause substantial emotional or bodily pain.”	Correctional officer, law enforcement officer, employee, private provider or contractor who knows or reasonably should know, that the victim is in custody.	Person in prison, under correctional supervision or under arrest.	Misdemeanor.	Victim’s consent is not a defense.
Vermont Vt. Stat. Ann. tit. 13, § 3257.	Sexual act.	Correctional employee, contractor or other service provider who has a direct supervisory relationship with the victim.	Person in custody or on parole, probation, supervised community sentence or furlough.	Felony.	

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Virginia Va. Code Ann. § 18.2-64.2. Va. Code Ann. § 18.2-67.4.	<p>§ 18.2-64.2: “Carnal knowledge” without the use of force, threat or intimidation.</p> <p>§ 18.2-67.4: Sexual abuse.</p>	Employee, contractual employee or volunteer who is in a position of authority over the victim and knows that the victim is under the jurisdiction of a detention facility.	Inmate, probationer, parolee, detainee, pretrial defendant or post-trial offender.	<p>§ 18.2-64.2: Class 6 felony.</p> <p>§ 18.2-67.4: Class 1 misdemeanor.</p>	
Washington Wash Rev. Code § 9A.44.160. Wash. Rev. Code § 9A.44.170. Wash. Rev. Code § 9A.44.180.	<p>§ 9A.44.160: Sexual intercourse.</p> <p>§ 9A.44.170: Sexual contact.</p>	Officer, employee or contractor who has the ability or is reasonably believed by the victim to have the ability to influence the terms, conditions, length or fact of incarceration or correctional supervision.	Person who resides in a correctional facility, is being detained, is under arrest or is in the custody of law enforcement.	<p>§ 9A.44.160: Class C felony.</p> <p>§ 9A.44.170: Gross misdemeanor.</p>	Victim’s consent is not a defense. Proof that the perpetrator committed the act because of “forcible compulsion” by the victim is a defense.
West Virginia W. Va. Code Ann. § 61-8B-10.	Sexual intercourse or “sexual intrusion.”	Employee, contractual employee or parole officer who supervises the victim.	Person who is incarcerated or under parole supervision.	Felony.	

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<p>Wisconsin Wis. Stat. Ann. § 940.225.</p>	<p>Sexual contact or intercourse.</p>	<p>Employee.</p>	<p>Person confined in corrections institution.</p>	<p>Class C felony.</p>	<p>Corrections employee cannot be prosecuted under this section if he/she is prosecuted for the sexual contact or intercourse under another section of the law.</p>
<p>Wyoming Wyo. Stat. Ann. § 6-2-303.</p>	<p>“Sexual intrusion.”</p>	<p>Employee, independent contractor or volunteer who knows or should know, that the victim is a resident of the detention facility or is under the supervision of the correctional system.</p>	<p>Resident of the detention facility or under the supervision of the correctional system.</p>	<p>Felony.</p>	