

## State Criminal Incest Statutes

State	Prohibited Relationships	Prohibited Act (s)	Age to Commit	Classification and Penalty	Aggravated Distinctions
<b>Alabama (2006)</b> Code of Ala. §13A-13-3	Person known to be ancestor or descendant by blood; brother or sister of half blood or adoption; stepchild or step-parent while relationship still exists; aunt, uncle, nephew, or niece of whole or half blood. (knowingly)	Marriage or Intercourse	Unspecified	Class C felony	NO
<b>Alaska (2006)</b> Alaska Stat. §11.41.450	Person that is ancestor or descendant of the whole or half blood; brother or sister of whole or half blood; uncle, aunt nephew, or niece by blood	Sexual penetration	18	Class C Felony	NO
<b>Arizona (2006)</b> A.R.S. §13-3608	Persons with degrees of consanguinity which makes marriage void	Marriage or intercourse	18	Class 4 felony	NO
<b>Arkansas</b> A.C.A. §5-26-202	Persons known to be ancestors or descendant; stepchild or adopted child; brother or sister of the whole or half blood; uncle, aunt, nephew, niece, step grandchild or adopted grandchild	Marriage, sexual intercourse or deviate sexual activity	16	Class C felony Class A felony if victim is under 16 and the actor is over 21 at the time of offense	NO
<b>California</b> Cal Pen Code§285	Persons within degrees of consanguinity which make marriages void	Marriage, sexual penetration, sexual intrusion	Unspecified	With state prison sentence	NO
<b>Colorado</b> C.R.S.§18-6-301 C.R.S. §18-6-302	Ancestor or descendant; brother or sisters of whole or half blood; uncle, aunt, nephew, niece of whole blood	Marriage, sexual penetration, sexual intrusion	Unspecified	Class 4 felony	YES; Class 3 felony if victim under 10
<b>Connecticut</b> Conn Gen Stat §53a-191	Any person related within degrees specified in 46b-21	Marriage	Unspecified	Class D felony	NO
<b>Delaware</b> 11 Del C§766	Without regard to legitimacy or adoption, person that is child, parent, brother, sister, grandchild, niece or nephew, aunt or uncle, stepfather or stepmother, stepdaughter, or stepson, step-grandchildren	Sexual intercourse	Unspecified	Class A misdemeanor	NO
<b>District of Columbia</b> D.C. Code §22-1901	Any person related to another person (not including the 4 <sup>th</sup> degree of consanguinity)	Marriage, cohabitation, sexual intercourse	Unspecified	Imprisonment for not more than 12 years	NO
<b>Florida</b> Fla Stat §826.04	Any person related by lineal consanguinity, or a brother, sister, uncle, aunt, nephew, or niece	Marriage, sexual intercourse	Unspecified	3 <sup>rd</sup> degree felony	NO

<b>Georgia</b> O.C.G.A. §16-6-22	Person known to be (by blood or marriage): father and daughter, or step-daughter; mother and son or stepson, brother and sister of the whole or half blood; grandparents and grand child	Sexual intercourse	Unspecified	Imprisonment for not less than one nor more than twenty years	NO
<b>Hawaii</b> H.R.S. §707-741	Persons within degrees of consanguinity which make marriages void	Sexual penetration	Unspecified	Class C felony	NO
<b>Idaho</b> Idaho Code §18-6602	Persons within degrees of consanguinity which make marriages void	Marriage, sexual intercourse, adultery	Unspecified	Imprisonment for up to 10 years	NO
<b>Illinois</b> §720 ILCS 5/11-11	Person related to other person as a brother or sister; father or mother; stepfather or stepmother	Sexual penetration	Unspecified	Class D felony	NO
<b>Indiana</b> Buns Ind Cod Ann §35-46-1-3	Person known to be biological parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, or nephew	Sexual intercourse or deviate sexual conduct	18	Class C felony Class B felony if victim is under 16 at the time of offense	NO
<b>Iowa</b> Iowa Code § 726.2	Person known to be ancestor, descendant, brother or sister of whole or half blood, aunt, uncle, niece or nephew.	Sexual act	Unspecified		
<b>Kansas</b> K.S.A. §21-3602	Person known to be biologically related as parent, child, grandparent of any degree, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew, niece	Marriage, sexual intercourse, sodomy	Unspecified	Severity level 10 person felony when victim is 18 and over	YES: Severity level 5 if marriage to person under 18, Severity level 7 if intercourse, sodomy, lewd fondling of person 16-18 years 21-3603
<b>Kentucky</b> K.R.S. §530.020	Known ancestor, descendant, brother, or sister without regard to legitimacy, adoption, whole or half blood, or relationship by marriage	Sexual intercourse or deviate sexual intercourse	Unspecified	Class C felony	NO
<b>Louisiana</b> La R.S. §14:78	Persons known to each other as ascendant or descendant or descendant, brother or sister, uncle or niece, aunt or nephew	Marriage or sexual intercourse	Unspecified	Imprisonment up to 15 years when between ascendant and descendant or brother and sister Imprisonment up to	NO

				5years, or up to \$1000 fine when between uncle and niece or aunt and nephew	
<b>Maine</b> 17-A M.R.S. § 556	Persons known to be within the 2 <sup>nd</sup> degree of consanguinity (see 1-C)	Sexual intercourse	18	Class D crime	NO
<b>Maryland</b> Md CRIMINAL LAW Code Ann §3-323	Persons who may not marry, generally within 3 degrees of lineal consanguinity (see 2-202)	Vaginal intercourse	Unspecified	Felony; 1 to 10 years in prison	NO
<b>Massachusetts</b> ALM GL ch 272 §17	Persons within degrees of consanguinity which make marriages void	Marriage, sexual intercourse, sexual activities	Unspecified	Imprisonment of 2 1/2 years to 20 years	NO
<b>Michigan</b> MCLS §750.520b -§750.520c	Criminal sexual conduct in the 1 <sup>st</sup> and 2 <sup>nd</sup> degrees include when the actor is a “member of the same household” as the victim and when the actor is “related to the victim by blood or affinity to the 4 <sup>th</sup> degree.	Sexual penetration	Unspecified	1 <sup>st</sup> degree felony: life or any term of years 2 <sup>nd</sup> degree felony: Not more than 15 years	NO
Minnesota Minn. Stat §609.395	Person “nearer of kin to the actor than first cousin... whether of the half or the whole blood, with knowledge of the relationship”	Sexual intercourse	Unspecified	Imprisonment of not more than 10 years	NO
<b>Mississippi</b> Miss. Code §97-29-27	Person within degrees of consanguinity which make marriages void (93-1-1)	Marriage	Unspecified	Imprisonment of not more than 10 years	NO
<b>Missouri</b> §568.020 R.S.Mo.	Persons known to be ancestor or descendant by blood or adoption; stepchild while the marriage creating the relationship exists; brother or sister of whole or half blood; or uncle, aunt, nephew, or niece if the whole blood.	Marriage, sexual intercourse, deviate sexual intercourse	Unspecified	Class F felony	NO
<b>Montana</b> Mont. Code §45-5-507	Person known to an ancestor, a descendant, a brother or sister of the whole or half-blood, or a stepson or step-daughter, without regard to legitimacy or adoption	Marriage, cohabitation, sexual intercourse, sexual contact	Unspecified	Life imprisonment or up to 11 years or \$50, 000 fine Life imprisonment or 4 to 100 years if victim is under 16 and offender is 3+ years older and inflicts bodily	NO

				injury.	
<b>Nebraska</b> R.R.S. Neb. §28-703	Person known to fall within degrees set fourth in §28-702 or any person who sexually penetrates a minor stepchild	Marriage, sexual penetration	Unspecified	Class 3 felony	NO
<b>Nevada</b> NRS §201.280	Persons within degrees of consanguinity which make marriages void	Marriage, fornication, adultery	Unspecified	Class 3 felony	NO
<b>New Hampshire</b> RSA §639:2	Person know to be an ancestor, descendant, brother or sister (whole or half blood) and uncle, aunt, nephew, or niece	Marriage, cohabitation, sexual intercourse	18	Class B felony victim under 18, maximum sentence of 20years and minimum is ½ of maximum	NO
<b>New Jersey</b> N.J. Stat. §2C:14-2	When the actor is “related to the victim by blood or affinity to the 3 <sup>rd</sup> degree”	Sexual penetration	Unspecified	2 <sup>nd</sup> degree crime	NO
<b>New Mexico</b> N.M. Stat. §30-10-3	Persons known to be parents and children (including grandparents and grandchildren of every degree), brothers and sisters of half and whole blood, uncles and nieces, or aunts and nephews	Marriage or sexual intercourse	Unspecified	3 <sup>rd</sup> degree crime	No
<b>New York</b> NY CLS Penal §255.25	Persons known to be parents and children of every degree), brothers and sisters of half or whole blood, uncle aunt nephew niece	Marriage, sexual intercourse , deviate sexual intercourse	Unspecified	Class E Felony	NO
<b>North Carolina</b> N.C. Gen. Stat. §14-178	Person that is grandparent or grandchild; parent or child or stepchild or adopted child; brother or sister of whole or half-blood; uncle aunt, nephew or niece	Carnal intercourse	Unspecified	Class F felony Class B1 felony if victim under 13 and actor is 4 year older or victim is 13-15 and actor is 6 years old. Class C felony if victim is 13-15 and the actor is 4-6 years older	NO
<b>North Dakota</b> N.D. Code §12.1-20-11	Persons known to be within a degree of consanguinity which makes marriages void 14-03-03	Marriage, cohabitation, sexual activity	Unspecified	Class C felony	NO
<b>Ohio</b>	Actor is the victim’s “natural or adoptive parent, step-parent guardian, custodian”	Sexual conduct	Unspecified	3 <sup>rd</sup> degree felony	NO

ORC §2907.03					
<b>Oklahoma</b> 21 Okl. St. §885	persons within degrees of consanguinity which make a marriage void	Marriage, fornication, adultery	Unspecified	Felony punishable by sentence not to exceed 10 years	NO
<b>Oregon</b> ORS §163.525	Persons known to be related, legitimately or otherwise as Ancestors, descendants, or brother or sister of whole or half blood	marriage, sexual	Unspecified	Class C Felony	NO
<b>Pennsylvania</b> 18 Pa.C.S. §4302	Ancestor or descendant, a brother or sister of whole or half-blood, or an uncle, aunt, nephew, or niece of whole blood.	Marriage, cohabitation, sexual intercourse	unspecified	Second degree felony	NO
<b>Rhode Island</b> R.I.Gen Laws §11-37-8.1	1 <sup>st</sup> degree child molestation sexual assault includes sexual penetration with a person 14 years of age or under		Unspecified		NO
<b>South Carolina</b> S.C. Code §16-15-20	Victim and parent, grandparent, child, grandchild, stepparent, sibling, grandparent's spouse, child's spouse, grandchild's spouse, spouse's grandchild, sibling's daughter, parent's siblings	Carnal intercourse	Unspecified	Imprisonment not less than 1 year and/or not less than \$500 fine	NO
<b>South Dakota</b> S.D. Codified laws §22-22-19.1	Parents and children, ancestors and descendants, brothers and sisters of half or whole blood, uncles and nieces of half and whole blood (25-1-6)	Sexual contact	Unspecified	Class 5 felony	NO
<b>Tennessee</b> Tenn. Code §39-15-302	Any person known to be natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child or brother and sister of the half or whole blood	Sexual penetration	Unspecified	Class C felony	NO
<b>Texas</b> Tex. Penal Cod. §25.02	Person known to be ancestor or descendant by blood or adoption; stepchild or stepparent while marriage creating relationship exists; aunt or uncle of whole or half blood; siblings of the whole blood; siblings of the whole or half blood or by adoption; nephews or nieces of the whole or half blood	Sexual intercourse, deviate sexual intercourse	Unspecified	3 <sup>rd</sup> degree felony	NO
<b>Utah</b> Utah Code§76-7-102	Person known to be ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin, without regard to whole or half blood relationship or adoption	Sexual intercourse	Unspecified	3 <sup>rd</sup> degree felony	NO
<b>Vermont</b> 13 V.S.A. §205	Persons for whom marriage are prohibited by state law	Marriage, fornication	Unspecified	Imprisonment for not more than 5	NO

				years and/or \$1000 fine	
<b>Virginia</b> Va. Code §18.2-366	Persons for who marriages are prohibited; relations with children and grandchildren	Adultery or fornication	Unspecified	Class 1 misdemeanor Class 5 felony for relations with children and grandchildren Class 3 for felony when victim is 13-18	NO
<b>Washington</b> ARCW §9A.64.020	Persons known to be an ancestor, descendant, brother, or sister of whole or half blood	1 <sup>st</sup> degree incest: sexual intercourse 2 <sup>nd</sup> degree incest: Sexual contact	Unspecified	1 <sup>st</sup> degree incest Class B felony 2 <sup>nd</sup> degree incest Class C felony	NO
<b>West Virginia</b> W. Va. Code §61-8-12	Engaging with father, mother, sister, daughter, son, granddaughter, grandfather, grandmother, grandson, nephew, niece, uncle, or aunt	Sexual intercourse or sexual intrusion	Unspecified	Felony: imprisonment of 5-15 years	NO
<b>Wisconsin</b> Wis. Stat. §944.06	Persons known to be blood relatives and such relative is in fact related in a degree within the marriage...is prohibited by the law	Marriage sexual intercourse	Unspecified	Class F felony	NO
<b>Wyoming</b> Wyo. Stat. §64-4-402	Persons known to be an ancestor or descendant or a brother or sister of the whole or half blood, including relationships of parent and child by adoption, blood relationships without regard to legitimacy, stepparent and stepchild	Sexual intrusion, sexual contact	Unspecified	Felony: imprisonment up to 5years; fine up to \$5000	NO