

RAPE SHIELD STATUTES

STATE	WHAT IS GENERALLY INADMISSIBLE?	EXCEPTIONS: WHAT IS ADMISSIBLE?					CIRCUMSTANCE FOR EXCEPTION
		SEXUAL CONDUCT WITH DEFENDANT	SEXUAL CONDUCT WITH OTHER PERSONS	EVIDENCE THAT REBUTS CHARACTER EVIDENCE PRESENTED BY PROSECUTION	EVIDENCE THAT SHOWS ORIGIN OR SOURCE OF SEMEN, PREGNANCY, ETC.	OTHER	
ALABAMA ARE, R412	any evidence relating to the past sexual behavior of the complaining witness	*					when it is found that past sexual behavior directly involved the participation of the accused
ALASKA Alaska Stat.12.45.045	evidence of the complaining witness' previous sexual conduct; evidence of the complaining witness' sexual contact occurring more than 1 year before the offense occurred						relevant and probative value of evidence outweighed by undue prejudice, confusion of the issues, or unwarranted invasion of witness privacy
ARIZONA A.R.S. 13-1421	evidence of a victim's reputation for chastity and opinion evidence relating to a victim's chastity	*		*	semen, pregnancy, disease, or trauma	evidence that supports a claim that the victim has a motive in accusing the defendant; evidence of other false allegations	evidence or specific instances of prior sexual misconduct is relevant and material to a fact at issue; inflammatory or prejudicial nature of the evidence does not outweigh its probative value
ARKANSAS 16-42-101	A.C.A. opinion evidence, reputation evidence, evidence of specific instances of prior sexual conduct with defendant or other persons; prior allegations if victims asserts these to be true or denies having made them	*	*			"evidence directly pertaining to the act upon which the prosecution is based" 16-42-101(c)	relevancy of the evidence
CALIFORNIA Evid Code 782; 1103	opinion evidence, reputation evidence, and evidence of specific instances of the complaining witness' sexual conduct to prove consent	*		*			relevancy of the evidence
COLORADO C.R.S. 18-3-407	evidence of specific instances of the victim's prior or subsequent sexual conduct, opinion evidence or reputation evidence of the victim's sexual conduct	*	*		semen, pregnancy, disease, or any similar evidence of sexual intercourse	other evidence, along with a witness' history of false reporting of sexual assaults	relevant to a material issue in the case
CONNECTICUT Conn. Gen. Stat. 54-86f	evidence of the sexual conduct of the victim	*			semen, disease, pregnancy, or injury	evidence is "relevant and material to a critical issue in the case that excluding it would violate the defendant's constitutional rights"	probative value of evidence outweighs its prejudicial effect on the victim

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DELAWARE Del. C. 3509	11 opinion evidence, reputation evidence and specific instances of the victim's sexual conduct not admissible to prove consent	*		*			evidence offered to attack credibility of victim
District of Columbia D.C. Code 22-3021 D.C. Code 22-3022	reputation or opinion evidence of a victim's past sexual behavior; evidence of a victim's past sexual behavior other than reputation or opinion evidence also not admissible	*			semen, bodily injury	where admission of such evidence is constitutionally required	evidence is relevant and probative value of evidence outweighs danger of unfair prejudice
FLORIDA Rules of Evid., Fl. Stat. 794.022	specific instances of prior consensual sexual activity between victim and any person other than the accused				semen, pregnancy, injury, or disease	when evidence establishes a pattern of conduct or behavior on the part of the victim which is so similar to the conduct or behavior in the case that it is relevant to the issue of consent	evidence may prove exception
GEORGIA O.C.G.A. 24-2-3	evidence relating to the past sexual behavior of the complaining witness	*					evidence is "so highly material that it will substantially support a conclusion that the accused reasonably believed that the complaining witness consented to the conduct complained of and that justice mandates the admission of such" evidence (c) (2)
HAWAII HRS 412	reputation, opinion or other evidence of victim's past sexual behavior to show "action in conformity therewith"	*			semen or injury	where admission of such evidence is constitutionally required	evidence is relevant and its probative value outweighs danger of unfair prejudice

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IDAHO 412	I.R.E. reputation, opinion or other evidence of victim's past sexual behavior	*			semen or injury	where admission is constitutionally required; evidence of earlier false allegations of sex crimes; evidence of "sexual behavior with parties other than the accused which occurred at the time of the event giving rise to the sex crime charge (HRS 412(b)(2)(D))	evidence is relevant and its probative value outweighs danger of unfair prejudice
ILLINOIS ILCS 5/115-7	725 the reputation of the alleged victim	*				where admission of such evidence is constitutionally required	evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice
INDIANA IRE 412; 35-37-4-4	evidence of the victim's past sexual conduct; opinion and reputation evidence of the victim's past sexual conduct	*			pregnancy	specific instances of sexual activity that show some person other than the defendant committed the offense	material to fact at issue and inflammatory or prejudicial nature does not outweigh probative value
IOWA I.R.E. 5.412	reputation, opinion or other evidence of a victim's past sexual behavior	*			semen or injury	where admission of such evidence is constitutionally required	evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice
KANSAS K.S.A. 21-3525	evidence of the complaining witness' previous sexual conduct with any person including the defendant			*			evidence is relevant and is otherwise admissible
KENTUCKY K.R.E. 412	evidence of a victim's past sexual behavior	*			semen or injury or other physical evidence	"any other evidence directly pertaining to the offense charged"	evidence is relevant and otherwise admissible ** in a civil trial: evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice

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LOUISIANA La. C.E. Art. 412	reputation or opinion evidence of past sexual behavior; evidence of specific instances of victim's past sexual behavior	*			semen or injury if limited to 72 hours prior to the time of offense	evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice
MAINE Rule R 412	reputation or opinion evidence of a victim's past sexual behavior	*			semen or injury	evidence which is constitutionally required to be admitted ** in a civil trial, evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice
MARYLAND 3-319	reputation and opinion evidence of a victim's chastity or abstinence; however, specific instances of a victim's prior sexual conduct may be admissible	*		*	semen, pregnancy, disease, or trauma	evidence which supports a claim that the victim has an ulterior motive to accuse the defendant of the crime evidence or specific instances of sexual conduct may be admitted if it is relevant, material to a fact of the case, and the inflammatory or prejudicial nature of the evidence does not outweigh its probative value
MASSACHUSETTS ALM GL ch.233, 21B	reputation evidence and specific instances of a victim's sexual conduct	*			physical features, characteristics, or conditions of the victim	weight and relevancy of evidence outweighs its prejudicial effect to the victim
MICHIGAN MCLS 750.520j	opinion and reputation evidence of the victim's sexual conduct and evidence of specific instances of the victim's sexual conduct	*			semen, pregnancy, disease	evidence is material to a fact at issue and its inflammatory or prejudicial nature does not outweigh its probative value
MINNESOTA Minn. Stat. 609.347	evidence of the victim's previous sexual conduct	*			semen, pregnancy, or disease	when consent is at issue - that which tends to "establish a common scheme or plan of similar sexual conduct under circumstances similar to the case at issue" (which requires prior fabricated allegations of sexual assault) probative value of the evidence is not substantially outweighed by its inflammatory or prejudicial nature
MISSISSIPPI Miss. Code Ann. 97-3-68						evidence of sexual conduct offered to attack credibility relevant and otherwise admissible

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MISSOURI 491.015 R.S. Mo	opinion and reputation evidence of the victim's prior sexual conduct; evidence of specific instances of the victim's' prior sexual conduct or the absence of such conduct is inadmissible	*			semen, pregnancy, or disease	evidence of "immediate surrounding circumstances of the alleged crime;" or evidence relating to the victim's previous chastity in cases where such character is required by statute	relevant to a material fact or issue; previous sexual conduct with defendant must be reasonably contemporaneous with alleged crime
MONTANA Code Ann. 45-5-511	Mont. evidence concerning the sexual conduct of the victim	*			semen, pregnancy, or		
NEBRASKA R.R.S. Neb. 28-321		*			physical evidence, including semen, injury, blood, saliva, or hair		relevance
NEVADA 50.090, NRS 48.069	NRS evidence of any previous sexual conduct of the victim			*		evidence of previous sexual conduct that proves consent	relevant to the issue of consent; not required to be excluded on the grounds of prejudice, confusion or waste of time
NEW HAMPSHIRE R.S.A. 632-A:6; N.H. R. Evid. 412	prior consensual sexual activity between the victim and any person other than the actor	*				constitutionally required	due process requires admission and probative value outweighs prejudicial impact on victim
NEW JERSEY N.J. Stat. 2C:14-7	evidence of the victim's previous sexual conduct; evidence of the victim's sexual conduct occurring more than one year before the date of the offense; evidence of sexual conduct with persons other than the defendant ⁸	*			semen, pregnancy, or disease		relevant and highly material; probative value of the evidence substantially outweighs its collateral nature or the probability that its admission will create undue prejudice, confusion of the issues, or unwarranted invasion of the privacy
NEW MEXICO NM Stat. Ann. 30-9-16(A)	evidence of the victim's sexual conduct, opinion or reputation evidence of the victim's past sexual conduct unless meets circumstances for exception						evidence is material to the case and its inflammatory or prejudicial nature does not outweigh its probative value

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NEW YORK NY CLS CPL 60.42	evidence of a victim's sexual conduct	*		*	semen, pregnancy, or disease	evidence that "proves or tends to prove that the victim has been convicted of an offense under section 230.00 of the penal law within 3 years prior to the sex offense which is the subject of the prosecution"	relevant and admissible in the interests of justice
NORTH CAROLINA N.C. Gen. Stat. 8C-1 Rule 412	sexual behavior of the complainant	*				evidence of specific instances of sexual behavior that the act was not committed by the defendant; evidence of a pattern of sexual behavior so distinctive and so closely resembling the defendant's version of the encounter as to tend to prove consent, or the victim behaved in such a manner as to lead the defendant reasonably to believe that the complainant consented; evidence of sexual behavior offered as the basis of expert psychological or psychiatric opinion that the acts were fantasized	may not prove sexual behavior by reputation or opinion; must be relevant
NORTH DAKOTA N.D.R. Ev. Rule 412	evidence of victim's engaging in other sexual behavior; evidence of victim's sexual predisposition	*			semen, injury, or other physical evidence	evidence that, if excluded, would violate the constitutional rights of the defendant	
OHIO ORC 2907.02(D); OH Evid. R. 404	specific instances of victim's sexual activity, opinion and reputation evidence of the victim's sexual activity				semen, pregnancy, or disease		evidence is material to a fact at issue in the case

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OKLAHOMA 12 Okla.. St. 2412	reputation or opinion evidence regarding other sexual behavior of a victim or the sexual offense alleged; evidence of specific instances of sexual behavior with persons other than the accused	*			semen, pregnancy, injury or disease	false allegations of sexual offenses; similar sex acts in the presence of the accused with persons other than the accused which occurs at the time of the event giving rise to the sexual offense alleged; specific instances of sexual behavior if offered for a purpose other than consent	
OREGON ORS 40.210 Rule 412	reputation or opinion evidence of the victim's or witness' past sexual behavior; evidence of a victim's past sexual behavior other than opinion and reputation evidence is also not admissible					evidence other than reputation or opinion that relates to the motive or bias of the victim; evidence that is necessary to rebut scientific/medical evidence; evidence which is otherwise constitutionally required to be admitted	evidence is relevant and its probative value outweighs the danger of unfair prejudice
PENNSYLVANIA Pa.C.S. 3104 18	evidence of specific instances of the victim's past sexual conduct; opinion evidence or reputation evidence of the victim's past sexual conduct	*					relevant and otherwise admissible
RHODE ISLAND RI. RE, Rule 412; R. Crim. P. 2613; RI Gen. Laws 11-37-13							
SOUTH CAROLINA SC Code Ann. 16-3-659.1	specific instances of the victim's sexual conduct, opinion and reputation evidence of the victim's sexual conduct	*			semen, pregnancy, or disease	evidence of specific instances of sexual activity which would constitute adultery would be admissible to impeach	relevant to a material fact and issue and its inflammatory or prejudicial nature does not outweigh its probative value
SOUTH DAKOTA 23A-22-15	evidence of specific instances of a victim's prior sexual conduct						based on relevancy and materiality of the evidence

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TENNESSEE Tenn. Evid. Rule 412	reputation and opinion evidence and evidence of specific instances of victim's sexual behavior	*		*	semen, pregnancy, knowledge of sexual matters or disease	evidence to rebut or explain scientific or medical evidence; reputation and opinion evidence and specific instances of a pattern of sexual behavior if constitutionally required to prove consent	probative value outweighs danger of unfair prejudice
TEXAS Tex. Evid. R. 412	reputation or opinion evidence of the past sexual behavior of a victim; evidence of specific instances of sexual behavior is also inadmissible	*				evidence to rebut or explain scientific or medical evidence; that relates to motive or bias of the victim; evidence that is constitutionally required to be admitted	probative value outweighs danger of unfair prejudice
UTAH Rule 412	19.1-19.3 evidence offered to prove that victim engaged in other sexual activities or prove a victim's sexual predisposition	*			semen, injury, or other physical evidence	evidence that if excluded, would violate the constitutional rights of the defendant	
VERMONT V.S.A. 3255	13 opinion evidence and reputation evidence of victim's sexual conduct; evidence of prior sexual conduct	*		*	semen, pregnancy, or disease	evidence of specific instances of past false allegations of sexual assault; evidence that bears on credibility of victim or material to fact at issue and probative value outweighs its prejudicial character	
VIRGINIA 67.7	18.2-18.7 general reputation or opinion evidence of the victim's unchaste character or prior sexual conduct	*		*	semen, pregnancy, or disease, or physical injury	evidence that victim had motive to fabricate charges	
WASHINGTON Rev. Wash. Code 9A.44.020	evidence of a victim's past sexual behavior to prove consent	*		*			relevant to the issue of the victim's consent; is not inadmissible because its probative value is substantially outweighed by the probability that its admission will create a substantial danger of undue prejudice; and that its exclusion would result in denial of substantial justice to the defendant

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WEST VIRGINIA W. Va. Code 61-8B-11	evidence of specific instances of the victim's sexual conduct and opinion and reputation evidence of the victim's sexual conduct where victim could not consent because of age; specific instances of the victim's sexual conduct with other than the defendant and opinion and reputation evidence of the victim's sexual conduct	*		*		
WISCONSIN Wis. Stat. 972.11	prior sexual conduct or opinions or reputation as to prior sexual conduct ¹²	*			semen, pregnancy, disease	evidence of prior untruthful allegations of sexual assault
WYOMING¹³ Stat. 6-2-312	prior sexual conduct, reputation evidence, opinion evidence	*				relevant and probative value of evidence substantially outweighs probability that its admission will create prejudice