

STATE DEFINITIONS OF PENETRATION FOR SEX CRIMES

STATE	PENETRATION TYPE FOR SEXUAL ACTS/ INTERCOURSE			DOES CRIME REQUIRE EMISSION OF SEMEN?	PENETRATION TYPE FOR DEVIATE SEXUAL ACTS/CONTACT			THINGS INSERTED AS COVERED BY STATUTE					
	Vaginal	Anal	Oral		Vaginal	Anal	Oral	Penis	Tongue	Finger	Foreign object	Other	Any body part
ALABAMA	X			NO		X	X	X	X			X ¹	
ALASKA ²													
ARIZONA ³	X ⁴	X	X					X	X	X	X	X	
ARKANSAS	X ⁵					X	X	X			X		X
CALIFORNIA	X	X	X					X	X		X ⁶	X ⁷	X
COLORADO	X	X	X	NO				X	X	X	X		
CONNECTICUT	X	X	X	NO				X	X		X		
DELAWARE	X	X	X	NO				X	X		X	X ⁸	X
D.C.	X	X	X	NO				X	X	X	X		
FLORIDA	X	X	X					X			X		
GEORGIA	X	X	X			X ⁹	X	X			X		
HAWAII	X	X	X	NO				X	X	X	X		X
IDAHO	X	X	X					X				X ¹⁰	
ILLINOIS	X	X	X	NO				X	X		X	X ¹¹	X
INDIANA	X					X	X	X	X		X		
IOWA	X	X	X					X	X	X		X ¹²	
KANSAS	X					X	X	X	X	X	X		
KENTUCKY	X			NO		X	X	X	X		X		
LOUISIANA	X	X	X	NO				X	X		X ¹³		X

¹ In cases of sexual abuse, any “touching of intimate parts” is sexual contact.

² “Sexual act means sexual penetration or sexual contact.” No other definition is provided (11.41.470).

³ “Sexual intercourse” (penetration into the penis, vulva, or anus by any body part, object, or through masturbatory contact with the penis or vulva) and “oral sexual contact” (with the penis, vulva, or anus) are used in sexual assault statutes, while “sexual contact” is involved in sexual abuse (13-1401).

⁴ Penetration of the vulva is sufficient (13-1401).

⁵ Penetration of the labia majora is sufficient (5-14-101, 1B, 9).

⁶ “Foreign object” includes “any part of the body except a sexual organ” (Section 289).

⁷ See Section 289, part K(3) for definition of “unknown objects.”

⁸ “Sexual penetration” may also involve the placement of a “sexual device” inside the mouth of another person (Section 761).

⁹ Anal/oral penetration is a crime of sodomy, not rape (16-6-2)

¹⁰ Penetration in rape requires oral, vaginal, or anal penetration of a female by a penis (18-6101). For lewd conduct with a minor and sexual battery or a minor, sexual penetration may include, but is not limited to, genital-genital contact, oral-genital contact, anal-genital contact, oral-anal contact, manual-anal contact, or manual-genital contact (18-508 and 18-508A).

¹¹ “Sexual penetration” may also include the “intrusion, however slight” of an animal into the sex organ or anus of another person (721 ILCS 5/12-12).

¹² “Sexual act” also includes “use of artificial sexual organs or substitutes thereof in contact with the genitalia or anus” (702.17).

¹³ While not included in the rape statutes, contact between the anus or genitals of one person and any “instrumentality or any part of the body” of another person is considered penetration during sexual battery (14:42.2).

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	Vaginal	Anal	Oral		Vaginal	Anal	Oral	Penis	Tongue	Finger	Foreign object	Other	Any body part
MAINE	X	X	X					X	X		X	X ¹⁴	
MARYLAND ¹⁵	X	X	X	NO				X	X		X		
MASSACHUSETTS	X			NO		X	X	X	X	X	X		X
MICHIGAN	X	X	X	NO				X	X		X		X
MINNESOTA	X	X	X	NO				X	X		X		X
MISSISSIPPI ¹⁶	X	X	X					X	X		X		X
MISSOURI	X			NO		X	X	X	X	X	X		
MONTANA	X	X	X					X			X		X
NEBRASKA	X	X	X	NO				X	X		X		X ¹⁷
NEVADA	X	X	X					X	X		X		X
NEW HAMPSHIRE	X	X	X	NO				X	X		X		X ¹⁸
NEW JERSEY	X	X	X					X	X	X	X	X ¹⁹	
NEW MEXICO	X	X	X	NO				X	X		X		
NEW YORK	X					X ²⁰	X	X	X		X ²¹		
NORTH CAROLINA ²²	X	X	X					X	X		X		
NORTH DAKOTA	X	X	X	NO				X	X		X		X
OHIO	X	X	X					X	X		X		X
OKLAHOMA	X	X						X			X		X ²³
OREGON	X			NO		X	X	X	X		X ²⁴		

¹⁴ “Sexual act” also includes “any act between a person and an animal being used by another person which act involves direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other (Section 251).

¹⁵ Maryland distinguishes between “vaginal intercourse” (genital copulation including penetration of the vagina) and “sexual acts” (analingus, cunnilingus, fellatio, anal intercourse, object penetration). The former is used in rape statutes, while the latter is used in laws against “sexual offenses” (3-301). See Section 22 for emission requirements for “sexual intercourse.”

¹⁶ Penetration for rape requires intercourse, while penetration for sexual battery includes “cunnilingus, fellatio, buggery, or pederasty, any penetration of the genital or anal openings of another person’s body” (97-3-97).

¹⁷ “Sexual penetration” also includes “any intrusion, however slight, of any part of the actor or victim’s body” (28-318).

¹⁸ “Sexual penetration” includes “any intrusion, however slight, of any part of the actor’s body or any object manipulated by the actor into genital openings of the victim’s body” and “any intrusion, however slight, of any part of the victim’s body into genital or anal openings of the actor’s body” (632-A:1).

¹⁹ “Sexual penetration” also includes “insertion of the hand, finger, or object into the anus or vagina either by the actor or upon the actor’s instruction” (2C:14-1).

²⁰ Deviate sexual intercourse without consent is considered sexual misconduct (130.20).

²¹ Insertion of a foreign object is considered aggravated 3rd degree sexual abuse (130.66). “Foreign object” is defined as “any instrument or article which, when inserted in the vagina, urethra, penis, or rectum, is capable of causing physical injury” (130.00).

²² Rape requires vaginal intercourse, while “sexual offenses” require “sexual acts” which include cunnilingus, fellatio, analingus, anal intercourse, and penetration by any object into the genital or anal opening of another person (14-27.1).

²³ Rape by instrumentation involves “any inanimate object or any part of the human body” (21 Okla. Statute 1111.1).

²⁴ Penetration with “any object other than the penis or mouth of the actor” is considered unlawful sexual penetration (163.411).

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PENNSYLVANIA ²⁵	X	X	X	NO		X	X	X	X		X		
RHODE ISLAND	X	X	X	NO				X	X		X ²⁶		X
SOUTH CAROLINA	X	X	X					X	X		X		X
SOUTH DAKOTA	X	X	X					X	X		X		X
TENNESSEE	X	X	X	NO				X	X		X		X ²⁷
TEXAS	X					X	X	X	X		X ²⁸		
UTAH	X					X ²⁹	X	X	X		X		
VERMONT	X	X	X					X	X		X		X
VIRGINIA	X					X ³⁰	X	X	X		X ³¹		
WASHINGTON	X	X	X					X	X		X		
WEST VIRGINIA	X	X	X					X	X		X ³²		
WISCONSIN	X	X	X	NO				X	X		X		X ³³
WYOMING	X	X	X	NO				X	X		X		X

²⁵ “Sexual intercourse,” in addition to its “ordinary meaning, includes intercourse per os or per anus. Deviate sexual intercourse” means intercourse “per per os or per anus between human beings and any form of sexual intercourse with an animal” as well as penetration of the genitals or anus of another person with a foreign object (18 Pa. C.S. 3101).

²⁶ “Sexual penetration” includes “intrusion, however slight, by any part of a person’s body or of any object into the genital or anal openings of another person’s body, or the victim’s own body upon the accuser’s instruction” (R.I. Gen.Laws 11-37-1).

²⁷ “Sexual penetration” includes “intrusion, however slight, by any part of a person’s body or by any object into the genital or anal openings of the victim, defendant, or any other person’s body” (Tenn. Code 39-13-501).

²⁸ Penetration of the genitals or the anus of another person with an object is considered deviate sexual intercourse (21.01).

²⁹ Oral and anal intercourses are classified as sodomy (Utah Code 76-5-403).

³⁰ Oral and anal intercourses are classified as sodomy (Va. Code 18.2-67.1).

³¹ Object sexual penetration includes both inanimate and animate objects (Va. Code 18.2-67.2).

³² “Sexual intrusion” is defined as “any act between persons involving penetration, however slight, of the female sex organ or of the anus of any person by an object” in order to degrade, humiliate, or gratify desire (W.Va. Code 61-8B-1).

³³ “Sexual intercourse” also includes “intrusion, however slight, of any part of a person’s body or of any object into the genital or anal opening either by the defendant or upon the defendant’s instruction” (Wis. Statute 940.225).