

STATE CRIMINAL INCEST STATUTES

STATE	PROHIBITED RELATIONSHIPS	PROHIBITED ACT(S)	AGE (of actor) TO COMMIT	CLASSIFICATION AND PENALTY	AGGRAVATED DISTICTION
Alabama (1) <i>Code of Ala. §13A-13-3</i>	person known to be ancestor or descendant by blood; brother or sister of whole or half-blood or adoption; stepchild or stepparent while relationship still exists; aunt, uncle, nephew, or niece of whole or half blood	marriage or intercourse	unspecified	Class C felony	NO
Alaska (1) <i>Alaska Stat. §11.41.50</i>	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
Arizona (2) <i>A.R.S. §13-3608</i>	persons within degrees of consanguinity which make marriages void	marriage or intercourse	18	Class 4 felony	NO
Arkansas (2) <i>A.C.A §5-26-202</i>	person known to be an ancestor or descendant; stepchild or adopted child; brother or sister of the whole or half blood; an uncle, aunt, nephew, or niece; stepgrandchild or adopted grandchild	marriage, sexual intercourse, or deviate sexual activity	16	Class C felony Class A felony if victim under 16 and the actor is over 21 at time of offense	NO
California (3) <i>Cal Pen Code §285</i>	persons within degrees of consanguinity which make marriages void	marriage, sexual intercourse, adultery	unspecified	with state prison sentence	NO
Colorado (4) <i>C.R.S §18-6-301</i>	ancestor or descendant; brother or sister 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-victim under 10 (<i>18-6-302</i>)
Connecticut (5) <i>Conn Gen Stat §53a-191</i>	any person related within degrees specified in <i>46b-21</i>	marriage	unspecified	Class D felony	NO
Delaware (6) <i>11 Del C §766</i>	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, stepgrandchildren	sexual intercourse	unspecified	Class A misdemeanor	NO
District of Columbia (7) <i>D.C. Code §22-1901</i>	any person related to another person (not including the 4 th degree of consanguinity)	marriage, cohabitation, sexual intercourse	unspecified	imprisonment for not more than 12 years	NO
Florida (7) <i>Fla Stat §826.04</i>	any person related by lineal consanguinity, or a brother, sister, uncle, aunt, nephew, or niece	marriage, sexual intercourse	unspecified	3 rd degree felony	NO

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Georgia (8) <i>O.C.G.A. §16-6-22</i>	persons known to be (by blood or marriage): father and daughter or stepdaughter; mother and son or stepson; brother and sister of the whole or half blood; grandparent and grandchild; aunt and nephew; uncle and niece	sexual intercourse	unspecified	imprisonment for not less than one nor more than twenty years	NO
Hawaii (8) <i>H.R.S. §707-741</i>	persons within degrees of consanguinity which make marriages void	sexual penetration	unspecified	Class C felony	NO
Idaho (9) <i>Idaho Code §18-6602</i>	persons within degrees of consanguinity which make marriages void	marriage, sexual intercourse, adultery	unspecified	imprisonment for up to 10 years	NO
Illinois (9) <i>§720 ILCS 5/11-11</i>	person related to other person as a brother or sister; father or mother; stepfather or stepmother	sexual penetration	unspecified	Class 3 felony if victim is 18 and over	NO
Indiana (10) <i>Burns Ind Code Ann §35-46-1-3</i>	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 time of offense	NO
Iowa (10) <i>Iowa Code §726.2</i>	person known to be an ancestor, descendant, brother or sister of whole of half blood, aunt, uncle, niece, or nephew	sexual act	unspecified	Class D felony	NO
Kansas (11) <i>K.S.A. §21-3602</i>	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, or niece	marriage, sexual intercourse, sodomy	unspecified	Severity level 10 person felony when victim is 18 and over	YES; Severity level 5: marriage to person under 18. Severity level 7: intercourse, sodomy, lewd fondling of person 16-18 years. <i>21-3603</i>
Kentucky (12) <i>K.R.S. §530.020</i>	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

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Louisiana (12) <i>La R.S. §14:78</i>	persons known to each other as ascendant or descendent, 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 5 years, or up to \$1,000 fine when between uncle and niece or aunt and nephew	NO
Maine (14) <i>17-A M.R.S. §556</i>	persons known to be within the 2 nd degree of consanguinity (See 1-C)	sexual intercourse	18	Class D crime	NO
Maryland (16) <i>Md CRIMINAL LAW Code Ann §3-323</i>	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
Massachusetts (18) <i>ALM GL ch. 272 §17</i>	persons within degrees of consanguinity which make marriages void	marriage, sexual intercourse, sexual activities	unspecified	imprisonment of 2½ to 20 years	NO
Michigan (19) <i>MCLS §§750.520b - §750.520c</i>	Criminal Sexual Conduct in the 1 st and 2 nd 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 th degree”	sexual penetration	unspecified	1 st degree felony: life or any term of years 2 nd degree felony: not more than 15 years	NO
Minnesota (22) <i>Minn. Stat. §609.395</i>	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
Mississippi (23) <i>Miss. Code §97-29-27</i>	persons within degrees of consanguinity which make marriages void (93-1-1)	marriage	unspecified	imprisonment for up to 10 years and/or \$500 fine	NO
Missouri (24) <i>§568.020 R.S.Mo</i>	person 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 of the whole blood.	marriage, sexual intercourse, deviate sexual intercourse	unspecified	Class D felony	NO

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Montana (25) <i>Mont. Code</i> §45-5-507	person known to be an ancestor, a descendant, a brother or sister of the whole or half blood, or a stepson or stepdaughter, without regard to legitimacy or adoption	marriage, cohabitation, sexual intercourse, sexual contact	unspecified	life imprisonment or up to 100 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 injury	NO
Nebraska (26) <i>R.R.S. Neb.</i> §28-703	person known to fall within degrees of consanguinity set forth in section 28-702 or any person who sexually penetrates a minor stepchild	marriage, sexual penetration	unspecified	Class 3 felony	NO
Nevada (26) <i>NRS</i> §201.180	persons within degrees of consanguinity which make marriages void	marriage, fornication, adultery	unspecified	Category B felony: 2 to 10 years imprisonment and up to \$10,000 fine	NO
New Hampshire (27) <i>RSA</i> §639:2	person known to be ancestor, descendant, brother or sister (whole or half blood), an uncle, aunt, nephew, or niece	marriage, cohabitation, sexual intercourse	18	Class B felony if victim under 18, maximum sentence of 20 years and minimum is ½ of maximum	NO
New Jersey (27) <i>N.J. Stat.</i> §2C: 14-2	when the actor is “related to the victim by blood or affinity to the 3 rd degree”	sexual penetration	unspecified	2 nd degree Crime	NO
New Mexico (29) <i>N.M. Stat.</i> §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 rd degree felony	NO
New York (30) <i>NY CLS Penal</i> §255.25	persons known to be ancestor, descendant, brother or sister of whole or half blood, uncle, aunt, nephew, or niece	marriage, sexual intercourse, deviate sexual intercourse	unspecified	Class E felony	NO
North Carolina (31) <i>N.C. Gen Stat.</i> §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 4 years older or victim is 13-15 and actor is 6 years older Class C felony if victim is 13-15 and the actor is 4-6 years older	NO

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North Dakota (32) <i>N.D. Code §12.1-20-11</i>	persons known to be within a degree of consanguinity which makes marriages void <i>14-03-03</i>	marriage, cohabitation, sexual activity	Unspecified	Class C felony	NO
Ohio (32) <i>ORC §2907.03</i>	actor is the victim's "natural or adoptive parent, or stepparent, guardian, custodian"	sexual conduct	unspecified	3 rd degree felony	NO
Oklahoma (34) <i>21 Okl. St. §885</i>	persons within degrees of consanguinity which make a marriage void	marriage, fornication, adultery	unspecified	felony punishable by sentence not to exceed 10 years	NO
Oregon (34) <i>ORS §163.525</i>	person known to be related, legitimately or otherwise, as ancestor, descendant, or brother or sister of whole or half blood	marriage, sexual intercourse, deviate sexual intercourse	unspecified	Class C felony	NO
Pennsylvania (35) <i>18 Pa.C.S. §4302</i>	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	2 nd degree felony	NO
Rhode Island (35) <i>R.I.Gen Laws §11-37-8.1</i>	"1 st degree child molestation sexual assault" includes "sexual penetration with a person 14 years of age or under"		unspecified		NO
South Carolina (36) <i>S.C. Code §16-15-20</i>	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
South Dakota (36) <i>S.D. Codified Laws §22-22-19.1</i>	parents and children, ancestors and descendants, brother and sisters of half and whole blood, uncles and nieces, aunts and nephews, and cousins of half and whole blood (<i>25-1-6</i>)	sexual contact	unspecified	Class 5 felony	NO
Tennessee (37) <i>Tenn.Code §39-15-302</i>	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
Texas (38) <i>Tex.Penal Cod. §25.02</i>	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 of half blood or by adoption; nephews or nieces of	sexual intercourse, deviate sexual intercourse	unspecified	3 rd degree felony	NO

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Utah (39) <i>Utah Code §76-7-102</i>	the whole or half blood person known to be an 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 rd degree felony	NO
Vermont (39) <i>13 V.S.A. §205</i>	persons for whom marriages are prohibited by state laws	marriage, fornication	unspecified	imprisonment for not more than 5 years and/or \$1,000 fine	NO
Virginia (40) <i>Va. Code §18.2-366</i>	persons for whom 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 felony when victim is 13-18	NO
Washington (40) <i>ARCW §9A.64.020</i>	persons known to be an ancestor, descendant, brother, or sister of whole or half blood	1 st degree incest: sexual intercourse 2 nd degree incest: sexual contact	unspecified	1 st degree incest: Class B felony 2 nd degree incest: Class C felony	NO
West Virginia (41) <i>W. Va. Code §61-8-12</i>	engaging with father, mother, brother, sister, daughter, son, grandfather, grandmother, grandson, granddaughter, nephew, niece, uncle, or aunt	sexual intercourse or sexual intrusion	unspecified	felony: imprisonment of 5-15 years	NO
Wisconsin (43) <i>Wis. Stat. §944.06</i>	persons known to be "blood relative and such relative is in fact related in a degree within which the marriage...is prohibited by the law"	marriage, sexual intercourse	unspecified	Class F felony	NO
Wyoming (44) <i>Wyo. Stat. §6-4-402</i>	persons known to 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 5 years; fine up to \$5,000	NO