

ROSEBUD SIOUX TRIBE

CHAPTER SEVEN

SEX OFFENSES

5-7-1 RAPE-- Rape is an act of sexual penetration accomplished with any person other than the actor's spouse under any or more of the following circumstances:

- (1) Through the use of force, coercion, or threats of immediate and great bodily harm against the victim or other persons within the victim's presence, accompanied by apparent power of execution; or
- (2) Where the victim is incapable, because of physical or mental incapacity, of giving consent to such act; or
- (3) Where the victim is incapable of giving consent because of any intoxicating, narcotic, or anesthetic agent, or because of hypnosis, administered by or with privity of the accused; or
- (4) Where the victim is less than 15 years of age.

Rape is a Class A crime.

5-7-2 SEXUAL PENETRATION DEFINED-- Sexual penetration means an act, however slight, of sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the body or of any object into the genital or anal opening of another person's body. Practitioners of the healing art lawfully practicing within the scope of their practice are excepted from the provisions of this section.

5-7-3 SEXUAL CONTACT DEFINED-- As used in this chapter, the term "sexual contact", means any touching, not amounting to rape, of the breast of the female or the genitalia or anus of any person with the intent to arouse or gratify the sexual desire of either party.

5-7-4 SEXUAL CONTACT WITH A MINOR-- Any person, aged 15 years or more, who knowingly engages in sexual contact with any minor person under the age 15 years, other than his spouse, is guilty of sexual contact with a minor. Sexual contact with a minor is a Class B crime if the act is less than three years older than the minor. If the actor is three years or more older than the minor, then sexual contact with a minor is a Class A crime.

5-7-5 INDECENT EXPOSURE-- A person is guilty of indecent exposure if, for the purpose of arousing or gratifying the sexual desires of any person, he exposes his genitals in such a fashion that they might be reasonably seen by the public.

Indecent exposure is a Class C offense.

5-7-6 INCEST-- A person is guilty of incest if he knowingly cohabits or has sexual penetration or sexual contact with any person he knows to be an ancestor or descendent, brother, sister, aunt, uncle, nephew, niece or first cousin, any of which are either whole or half blood, and without regard to legitimacy or adoption, or with a step-parent or stepchild, while such relationship exists.

Incest is a Class A crime.

5-7-7 KNOWLEDGE OF AGE OF VICTIM IRRELEVANT-- Whenever an element of any crime in this chapter depends upon the age of the victim being less than 15 years, it is no defense that the actor did not know the child's age or reasonably believed the child to be older than