

DEFINITION OF SEXUAL VIOLENCE

Sexual violence is a sex act completed or attempted against a victim's will or when a victim is unable to consent due to age, illness, disability, or the influence of alcohol or other drugs. It may involve actual or threatened physical force, use of guns or other weapons, coercion, intimidation, or pressure.

Sexual violence also includes intentional touching of the genitals, anus, groin, or breast against a victim's will or when a victim is unable to consent; and voyeurism, exposure to exhibitionism, or undesired exposure to pornography. The perpetrator of sexual violence may be a stranger, friend, family member, or intimate partner.

(From CDC, National Center for Injury Prevention and Control)

ARKANSAS' DEFINITION OF RAPE

A person commits Rape if he engages in sexual intercourse or *deviate sexual activity* with another person:

- (A) By *forcible compulsion*; or
- (B) Who is incapable of consent because he is *physically helpless, mentally defective, or mentally incapacitated*; or
- (C) Who is less than fourteen (14) years of age.

"Deviate sexual activity" means any act of sexual gratification involving:

- (A) The penetration, however slight, of the anus or mouth of one person by the penis of another person; or
- (B) The penetration, however slight, of the labia majora or anus of one person by any body member or foreign instrument manipulated by another person.

"Forcible compulsion" means physical force or a threat, express or implied, of death or physical injury to or kidnapping of any person.

"Physically helpless" means that a person is:

- (A) Unconscious; or
- (B) Physically unable to communicate lack of consent; or
- (C) Rendered unaware the sexual act is occurring.

"Mentally defective" means that a person suffers from a mental disease or defect which renders the person:

- (A) Incapable of understanding the nature and consequences of sexual acts; or
- (B) Unaware the sexual act is occurring.

"Mentally incapacitated" means that a person is temporarily incapable of appreciating or controlling the person's conduct as a result of the influence of a controlled or intoxicating substance:

- (A) Administered to the person without the person's consent; or
- (B) Which renders the person unaware the sexual act is occurring.