

**PART**

**13-540. SEXUAL OFFENSES.**

- A. A male person commits unlawful sexual intercourse if he has sexual intercourse with a female, not his wife, who is under sixteen years of age when at the time of intercourse the male is no more than three years older than the female.
- B. Unlawful sexual intercourse is a class B misdemeanor. Evidence that the actor was not more than three years older than the victim at the time of the intercourse shall be raised by the defendant.

**13-542. Reserved.**

**13-543. SODOMY.**

- A. A person commits sodomy when he engages in any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.
- B. Sodomy is a class B misdemeanor.

**13-544 through 13-546. Reserved.**

**13-547. MARRIED PERSONS' CONDUCT EXEMPT — LIMITATIONS OF ACTIONS — "PENETRATION" OR "TOUCHING" SUFFICIENT TO CONSTITUTE OFFENSE.**

- A. The provisions of this part shall not apply to conduct between married persons; provided, however, that for purposes of this part, persons living apart under a decree of judicial separation are not married.
- B. No prosecution may be instituted or maintained under this part unless the alleged offense was brought to the notice of public authority:
  - 1. Within three months of its occurrence; or
  - 2. Where the alleged victim was less than eighteen years of age or otherwise incompetent to make complaint, within three months after a parent, guardian, or other competent person specifically interested in the victim, other than the alleged offender, learned of the offense.
- C. In any prosecution for unlawful sexual intercourse, or sodomy, any sexual penetration or, in the case of sodomy, any touching, however slight, is sufficient to constitute the offense.