

# "They Aren't Even Old Enough to Get a Driver's License": Variations Among Age of Consent and Romeo & Juliet Laws

## Research Questions:

- Why do we have laws that limit sexual activity for minors?
- How do Romeo & Juliet Laws work?
- What are the sanctions for statutory rape?
- What are the national differences?
- What do statutory rape cases look like today?
- What does the future hold in terms of these laws?

## So, why does it all matter?

Contemporary minors are becoming sexually active at younger ages than ever before.



Whether we like it or not, sexual desire is part of a teenager's life.

- Journalist Laura Berman

As a nation, we cannot condone these activities, but we must find a way to teach and correct minors at the same time. This generation is also heavily immersed in social networking, which undeniably facilitates these incidents to occur. Technology will continue to develop, as will the dangers that may accompany it. Tied to its use are easy manipulation and the "sextortion" of minors.

## Punishments for Statutory Rape:

Severity: Most are considered some degree of felony.

Charges: Each state has its own number and definitions of statutory sexual abuse charges.

Sanctions: Incarceration that can vary 2-35 years or life imprisonment, accompanied with a fine, no usual specified amount.

### Punishments Table

Age of Consent: legal age at which an individual can consent to sexual intercourse.

Consent: voluntary agreement to the proposal or desires of another.

Romeo & Juliet Law: can reduce or eliminate a sanction for crime for minors whose age difference is minor where the act done is only considered rape due to lack of legally recognized consent.

Statutory Rape: illegal sexual contact or intercourse with an individual that is under the legal age of consent.

## Simply Star Crossed Lovers...?

Romeo and Juliet laws provide defenses and exemptions that vary by state.



Most states have a range of 1-5 years of an age difference between partners, that go along with the state's age of consent.

### R&J Defenses by State Table

## Historical Background

- Religious organization movements
- welfare reform
- Teenage pregnancies
- Stigma of sex offender registry
- Viable defenses for those close in age

## Variations in Punishments for Statutory Rape & Violations of Age of Consent Laws

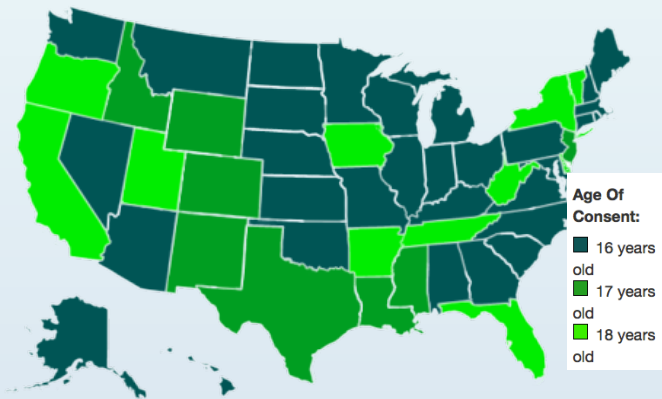
- Note: 1 or more charges may be applicable to prosecute Statutory Rape, or violations of state's age of consent laws.

Alabama 10 statutory sexual abuse charges	Electronic solicitation of a child or (Statutory) rape in the second degree (Class B Felonies): No less than 2 years, and no more than 20 years incarceration.
Alaska 6 statutory sexual abuse charges	Online enticement of a minor, sexual abuse of a minor in first degree, etc. (Class B Felony, & Unclassified Felony respectively): No more than 10 years, up to 30 years incarceration respectively.
Arizona 10 statutory sexual abuse charges	Sexual conduct with a minor (Class 6 or Class 2 Felony): If minor is under 12, life in prison with no probation until at least 35 years served. If offender is at least 18 or tried as an adult and minor was 12 or younger, life in prison with the offender ineligible for release until 35 years served.

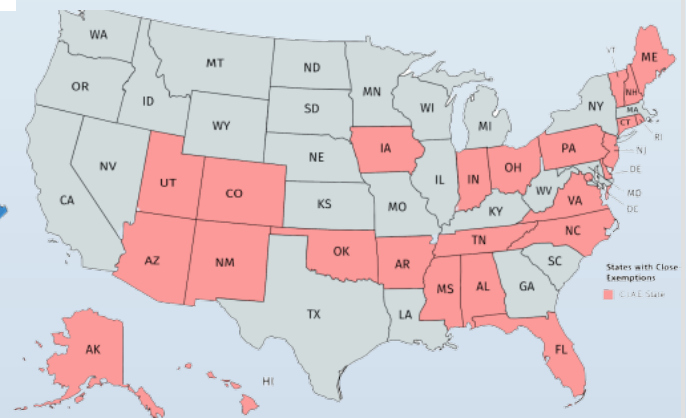
# COMPARING LAWS — & — FINDING PATTERNS

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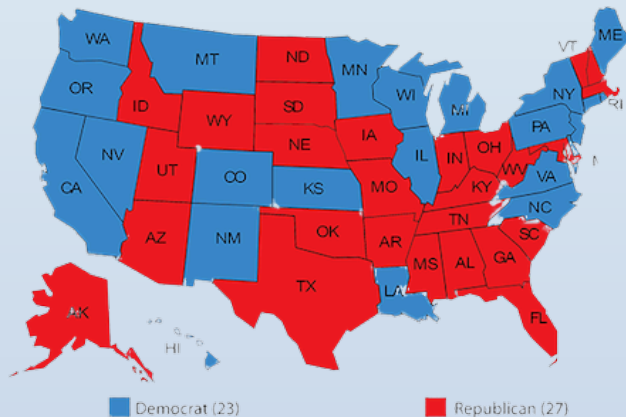
Age of Consent 2020



R&J Law States 2020



Red & Blue States 2018



\* by state governor

- Most states have their age of consent at 16 (32 states). 8 states have it at 17, and 10 states have it at 18.
- 25 states have viable R&J laws, 26 with District of Columbia.
- Most states with R&J laws are in the East with a few outliers in the West and Mid-west (AK and HI as well).
- About half of Republican states (18) have their age of consent at 16.
- Most R&J states are also Republican. (Possible correlation)
- Very few Democratic States have R&J laws present (11).
- Democratic states don't have an apparent preference for age of consent.
- Regardless of the state's political party affiliation, most statutory charges are considered a felony.
- R&J laws formed mostly in the 2000's, could've caused changes.
- Welfare reforms were also in place in the 90's, could've also influenced R&J law implementation.

## Possible Reasons for Differences

- Cultural Differences
- Highly publicized cases of statutory rape
- neighboring states influencing each other
- Crime rates of the state
- Value of sexual education received
- Debate & controversy on the belief in autonomy
- Paradox of R&J Laws
- Correlation with other factors?



## How Statutory Rape Looks Today

We don't see the headline "37 year old man caught in a romantic relationship with teenage girl" as often as we would have in the 90's and early 2000's. These days, statutory rape cases relate more to minors with other minors or minors with slightly older adults (those a few years (1-3) above the age of consent).

**Landry & Forrest, 1995** Found about half of teenage pregnancies girls age 15-17 were from men 20 years or older.

A comprehensive study to find the ages of fathers in the U.S. Used birth certificate info from 1989-1991.



### Conclusions:

Statutory Rape research is by no means complete. There are other fields of research deeply tied to it that can contribute to its research. Research on social media usage and effects, sexuality of minors, better parenting, home environments, and societal values can contribute to a better comprehension of why statutory rape occurs and how to prevent it.

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References Page submitted along with presentation materials

