

### **39-13-503. Rape.**

**(a)** Rape is unlawful sexual **penetration** of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:

**(1)** Force or **coercion** is used to accomplish the act;

**(2)** The sexual penetration is accomplished **without** the consent of the victim and the defendant knows or has **reason** to know at the time of the penetration that the victim did not consent;

**(3)** The defendant knows or has reason to know that the victim is:

**(A)** Mentally defective;

**(B)** Mentally incapacitated;

**(C)** Physically helpless; or

**(D)** A vulnerable adult, as defined in § 39-15-501, with an intellectual disability; or

**(4)** The sexual penetration is accomplished by **fraud**.

**(b)** Rape is a **Class B felony**.