

39-13-505. Sexual battery.

(a) Sexual battery is unlawful **sexual contact** with a victim by the defendant or 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 contact is accomplished **without** the **consent** of the victim **and** the defendant knows or has reason to know at the time of the contact that the victim did not consent;
- (3)** The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
- (4)** The sexual contact is accomplished by **fraud**.

(b) As used in this section, "coercion" means the threat of kidnapping, extortion, force or violence to be performed immediately or in the future.

(c) For purposes of this section, a victim is **incapable of consent** if:

- (1)** The sexual contact with the victim occurs **during** the course of a consultation, examination, ongoing treatment, therapy, or other provision of **professional services** described in subdivision (c)(2); and
- (2)** The defendant, whether licensed by the state or not, is a member of the **clergy, healthcare professional, or alcohol and drug abuse counselor** who was **treating** the victim for a mental, emotional, or physical condition.

(d) Sexual battery is a **Class E felony**.