

# Sexual Offences

## Common Offences

### Sexual Assault – sec. 271(1)

- applying force w/o consent
- of a sexual nature
- violates sexual integrity

No defence of consent if child U-16 yrs

Dual Procedure

No offence if, with consent of compl b/t 12 -14 and Acc is no more than **2 yrs** older than compl (no trust).

No offence if, with consent of compl b/t 14-16 and Acc is less than **5 yrs** older than compl (no trust, dependency or exploitive relation.)

### Sexual Assault w/Wpn – sec. 272

- Carries or threatens w/wpn
- Threats to 3<sup>rd</sup> party
- Cause or threatens Bodily Harm
- Party to offence

Indictable, 14 yrs

### Aggravated Sexual Assault – sec. 273

- Wounds, maims, disfigures OR endangers life

Indictable, Life

### Incest – sec. 155 (1)

- Knowingly;
- Blood relative; **AND**
- Sexual Intercourse

Indictable, 14 yrs

### Anal Intercourse – sec. 159 (3)

- In private (only 2 persons present)
- Both parties consent (over 18 yrs)

Dual Procedure

## Offences Against Young People

### Sexual Interference – sec. 151

- Anyone who for a sexual purpose touches any part of body of a child under 16 yrs

No offence if, w/consent of compl b/t 12-14, Acc is no more than **2 yrs** older than compl (no trust).

Dual Procedure

No offence if, with consent of compl b/t 14-16 and Acc is less than **5 yrs** older than compl (no trust, dependency or exploitive relation.)

### Invitation to Sexual Touching – sec. 152

- For a sexual purpose
- Invites child under the age of 16 yrs
- To touch any part of body of any person with any part of body or object (incl. the child).

No offence if, with consent of compl b/t 12-14, Acc is no more than **2 yrs** older than compl (no trust).

Dual Procedure

No offence if, with consent of compl b/t 14-16 and Acc is less than **5 yrs** older than compl (no trust, dependency or exploitive relation.)

### Sexual Exploitation - sec. 153

- Person in position of trust or authority of young person.
- Touches or invites to touch any body for sexual purpose.

Dual Procedure

## Disorderly Conduct Offences

### Indecent Act – sec. 173 (1)

- Perform indecent act
- Public place in presence of 1 or more persons
- Any place w/intent to offend

Summary Conviction

### Nudity – sec. 174 (1)

- W/out lawful excuse
- In public place, or
- Priv. Prop but exposed to view

Summary Conviction

### Exposing Genital to Child - sec. 173 (2)

- Person who exposes genitals
- For sexual purpose in any place
- Child under 16 yrs

No offence if, with consent of compl b/t 12-14, Acc is no more than **2 yrs** older than compl (no trust).

No offence if, with consent of compl b/t 14-16 and Acc is less than **5 yrs** older than compl (no trust, dependency or exploitive relation.)

Summary Conviction