



Jenna's Law: Protection of 16 and 17 year old youth from perpetrators age 28 or older

Sex involves the potential for life-shaping consequences; that's why consent - real consent - must be a pillar of lawful sex. Real consent requires equity in ability to assess harm & voluntary decision-making, free from coercion. Strict liability allows Kentuckians to draw age-based lines concerning consent that reflect common sense & brain science.

The Problem

Perpetrators prey on teenagers.

- Females ages 16-19 are 4 times more likely than the general population to be victims of rape, attempted rape, or sexual assault.ⁱ
- 1 in 9 girls and 1 in 53 boys under 18 are victims of sexual abuse or assault at the hands of an adult.ⁱⁱ
- The majority of teen victims know their perpetrator – 59% are an acquaintance.ⁱⁱⁱ
- 50% of perpetrators are over 30, 25% are between 21-29^{iv}

Accountability is lacking!

- Out of every 1000 rapes, 310 will be reported to police; only 6 will be incarcerated – that's less than 1%!^v

The Solution

- ✓ Increased convictions will get rapists off the streets and encourage reporting.
- ✓ This law targets a set group of perpetrators who offend against teenagers.
- ✓ Older perpetrators who seek younger victims should be held accountable as a matter of public policy.

Research supports increased protections for teens.

- The part of the brain that enables rational decision-making is not fully developed until around age 25.^{vi}
- Older adults enjoy a posture of seniority in both brain development and social standing.^{vii}
- Gaps in age and mental maturity create a dangerous risk of coercion that negates voluntary consent.
- Protection for minors in KY extends to marriage, drinking, human trafficking, and child pornography.

24 other states have identified the need and added protections for youth.

- ✓ **Florida:** Unlawful Sexual Activity with Certain Minors = A person 24 years of age or older cannot engage in sexual activity with 16-17 year olds (FL. C. § 794.05) (2nd degree felony, penalty up to 15 years)
- ✓ **Delaware:** Rape in the fourth degree = A person 30 years of age or older cannot engage in sexual activity with 16-17 year olds (11 Del. C. §770) (Class C felony, penalty up to 15 years)
- ✓ **Tennessee:** Statutory Rape = A defendant who is more than five but less than ten years older than the victim when the victim is 15-17; Aggravated statutory rape = A defendant who is at least 10 years older than the victim when the victim is 13-17 (Tenn. C. § 39-13-506) (class E and D felonies, penalty 1-12 years)

Contacts

Kentucky Association of Sexual Assault Programs, Laela Kashan, at lkashan@kasap.org or 502-226-2704
Jenna McNeal at JMCSurvivorLink@gmail.com or 502-525-0911

ⁱ <https://www.rainn.org/statistics/victims-sexual-violence> (2017): Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Sex Offenses and Offenders* (1997).

ⁱⁱ <https://www.rainn.org/statistics/children-and-teens> (2017): David Finkelhor, Anne Shattuck, Heather A. Turner, & Sherry L. Hamby, *The Lifetime Prevalence of Child Sexual Abuse and Sexual Assault Assessed in Late Adolescence*, 55 *Journal of Adolescent Health* 329, 329-333 (2014).

ⁱⁱⁱ <https://www.rainn.org/statistics/perpetrators-sexual-violence> (2017): Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Sexual Assault of Young Children as Reported to Law Enforcement* (2000).

^{iv} <https://www.rainn.org/statistics/perpetrators-sexual-violence> (2017): Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Female Victims of Sexual Violence, 1994-2010* (2013).

^v <https://www.rainn.org/statistics/criminal-justice-system>

^{vi} NAT'L INST. OF MENTAL HEALTH, THE TEEN BRAIN: STILL UNDER CONSTRUCTION, NIH PUBLICATION 11-4929 (2011); *Brain Maturity Extends Well Beyond Teen Years*, Nat'l Pub. Radio (Oct. 10, 2011); *Is 25 the new cut-off point for adulthood?* British Broadcasting Corporation (Sept. 23, 2013).

^{vii} *Id.*