



**DISTRICT 2 PUBLIC HEALTH
2022
STATUTORY RAPE QUICK REFERENCE SHEET**

O.C.G.A. § 16-6-1

Rape: Carnal knowledge of a female, forcibly and against her will OR <10 years of age
Mandated to report

O.C.G.A § 16-6-3

Statutory Rape: sexual intercourse with any person under the age of 16 years who is not his/her spouse
Consent is irrelevant

“Romeo & Juliet” Clause

Require punishment for a conviction of child molestation, statutory rape or enticing a child as a misdemeanor when the victim is 14 to 15 years old, and the defendant is under 18 years of age, and not more than 4 years older than the victim.

Require punishment for a conviction of sodomy (oral or anal intercourse) as a misdemeanor when the victim is 13 to 15 years old, and the defendant is under 18 years of age, and not more than 4 years older than the victim.

Not mandated to report (Statutory rape is not included in the requirements of reporting child abuse in the Mandatory Reporting Law O.C.G.A § 19-7-5)

The act is *still a crime*, albeit a misdemeanor as opposed to a felony. Therefore, you can choose to report at your discretion.

According to the Governor’s Office for Children and Families

Per OCGA 16-6-3

“Having sexual intercourse with someone under 16 is a *crime*, even if that person says “yes” or lies about her age.

If one of the partners is 17, he or she will be charged in *adult court*.
It doesn’t matter if you are male or female.

If both partners are between 14 and 18 years old, the punishment is not as severe
[It is a misdemeanor as opposed to a felony]. But it’s *still a crime*.

If the older partner is over 18 or the younger partner is under 14,
the penalty for the older partner is one to 20 years *in prison*.

If the older partner is 21 or older, the minimum sentence is *ten years* in prison.”

- Governor’s Office for Children and Families
www.children.ga.gov