

Introduction: Analyzing State Laws That Impact Child Sexual Abuse in Youth Sports

In researching legal issues concerning the sexual abuse of children in youth sports, the LDICP prepared three legislative surveys covering the fifty states and U.S. territories.

LDICP Legislative Surveys of the United States and Its Territories

- Circle of Trust Perpetrators of Child Sexual Abuse: Maximum Penalties by State
- Employee and Volunteer Background Checks for Those Working with Children: Laws by State
- Mandatory Reporting of Child Abuse: Laws by State

These legislative surveys have been posted on the LDICP website. In making use of these materials, researchers should take note of the following constraints:

Circle of Trust Perpetrators of Child Sexual Abuse: Maximum Penalties by State

This survey reviews state laws that enhance penalties for child sexual abuse perpetrators who hold a position of authority or position of trust as to the child victim. (Such perpetrators are said to be “within the child’s Circle of Trust.”¹)

- 1) This survey covers only sexual crimes against children. It does not cover other child abuse crimes such as physical or emotional abuse.
- 2) In some states, the law cited constitutes a penalty enhancement for an underlying crime, such as “Child Sexual Abuse.” In other states, the law cited constitutes a separately chargeable crime.
- 3) The penalties listed for each state are the maximums. The specific penalty in a given case is decided at sentencing.
- 4) Each state establishes its own minimum penalty for conviction under its Circle of Trust law. In some states, conviction under the Circle of Trust law may render the offender eligible for probation; in such cases, conviction under the law may result in no incarceration.

Employee and Volunteer Background Checks for Those Working with Children: Laws by State

This survey reviews state laws that require organizations working with children to conduct background checks on potential employees and volunteers. It does not cover background check laws affecting those who do not work with children.

Mandatory Reporting of Child Abuse: Laws by State

This survey reviews state laws that require individuals in certain professions to report suspected child abuse to police or child protective services. It includes information regarding immunity from liability for good-faith reporting, as well as penalties for mandatory reporters who fail to report to police or child protective services.

¹ The term “Circle of Trust” was coined by Andrew Vachss, an attorney who only represents children and who has written extensively on issues of child protection.

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|---------|--|----------------------------------|--|---|
| Alabama | Code of Ala. § 13A-6-81 Code of Ala. § 13A-6-82 Code of Ala § 13A-6-82.1 | Code of Ala. § 13A-6-80 | "School employee" includes coach; school administrator; teacher, including student teacher; and adult volunteer in a position of authority. It also includes a safety or resource officer or any other school employee who has contact with a student in his or her official capacity as a school employee. | Code of Ala. § 13A-6-81: Felony. Imprisonment for not less than 2 years and not more than 20. Code of Ala. § 13A-6-82: Misdemeanor. Imprisonment for not more than one year. Code of Ala § 13A-6-82.1: Misdemeanor. Imprisonment for not more than one year. |
| Alaska | Alaska Stat. § 11.41.434 Alaska Stat. § 11.41.436 Alaska Stat. § 11.41.440 | Alaska Stat. § 11.41.470(3), (5) | "Position of authority" includes a coach; school administrator; or teacher. It also includes a babysitter; counselor; doctor; employer; guardian ad litem; nurse; psychologist; religious leader; scout leader; youth leader; or a police officer or probation officer other than when the officer is exercising custodial control over a minor. "Legal guardian" means a person who is under a duty to exercise general supervision over a minor or other person committed to the custody of the Department of Health and Social Services. | Alaska Stat. § 11.41.434: Felony. Imprisonment for a term of years. Alaska Stat. § 11.41.436: Felony. Imprisonment not to exceed 10 years. Alaska Stat. § 11.41.440: Misdemeanor. Imprisonment not to exceed one year. |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|----------------|--|------------------------------|--|--|
| American Samoa | None found. <i>Note:</i> In American Samoa, they rely on Am. Samoa Code Ann. § 46.3810: Endangering a Child, to charge those that violate their position of trust. However, this statute refers to when an adult person causes a child to engage in conduct which causes a substantial risk to the life, body, or health of the child. | None found | n/a | n/a |
| Arizona | Ariz. Rev. Stat. § 13-1405 | Ariz. Rev. Stat. § 13-1401 | “Position of trust” includes a coach or instructor and teacher. It also includes a clergyperson or priest; a parent or legal guardian; and any person in a sexual or romantic relationship with the minor's parent or legal guardian. | Ariz. Rev. Stat. § 13-1405: Felony if the victim is under 15 years of age. Imprisonment of not less than 10 years. Felony if the victim is at least 15 years of age. Imprisonment for a minimum of 6 months and a maximum of 1 1/2 years. Felony if the victim is at least 15 years of age and the defendant was in a position of trust. Imprisonment for a minimum of 4 years and a maximum of 10. |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|------------|---------------------------|------------------------------|---|--|
| Arkansas | Ark. Code Ann. § 5-14-110 | None found. | The following persons can violate Ark. Code Ann. § 5-14-110 based on their actions and relationship with the minor: "a person in a position of trust" and a teacher. Additionally, the following persons can violate the statute based on their actions and relationship with the minor: any employees of the minor's school district; employees of the Department of Corrections, Department of Community Corrections, city or county jail, or any juvenile detention facility when the minor is in custody of the facility or agency; parents or legal guardians; and temporary caretakers. | Ark. Code Ann. § 5-14-110: Felony. Imprisonment not to exceed 6 years. |
| California | None found | None found | | n/a |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|----------|-------------------------------|--|---|--|
| Colorado | Colo. Rev. Stat. § 18-3-405.3 | <p>"Position of trust" includes, but is not limited to, any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child, including a guardian or someone otherwise responsible for the general supervision of a child's welfare, or a person who is charged with any duty or responsibility for the health, education, welfare, or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief, at the time of an unlawful act.</p> <p>Colo. Rev. Stat. § 18-3-401.</p> | <p>"Position of trust" includes, parent, acting parent, guardian, someone responsible for education of a child, etc.</p> <p>Colo. Rev. Stat. § 18-3-401.</p> | <p>Colo. Rev. Stat. § 18-3-405.3: Felony if the victim is less than 15 years of age or there is a pattern of sexual abuse. Imprisonment for not less than 3 years and not more than 12. Felony if the victim is 15 years of age or older but less than 19. Imprisonment for not less than 2 years and not more than 6.</p> |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|-------------|---------------------------|------------------------------|---|---|
| Connecticut | Conn. Gen. Stat. § 53a-71 | None found. | The following persons can violate Conn. Gen. Stat. § 53a-71 based on their actions and their relationship with the minor: coaches and instructors; and school employees, including administrators and teachers. Additionally, the following persons can violate the statute based on their actions and relationship with the minor: parents, guardians, or custodians; any persons with supervisory or disciplinary authority over the minor when the minor is in custody or detained in a hospital or other institution; and health care professionals, including the minor's psychotherapist. | Conn. Gen. Stat. § 53a-71: Felony. Imprisonment for not less than one year and not more than 10. Felony if the victim is under 16 years of age. Imprisonment for not less than one year and not more than 20. |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|----------|-------------------------------|-------------------------------|--|---|
| Delaware | Del. Code Ann. tit. 11, § 778 | Del. Code Ann. tit. 11, § 761 | "Position of trust, authority, or supervision over a child" includes a coach, teacher, or volunteer. It also includes the following similar positions: advisor, counselor, mentor or any other person providing instruction or educational services to a child. And, it includes the following persons: parents, guardians, and custodians; babysitters and other child care providers and aides; health professionals, including counselors; clergy members and pastoral counselors; and law enforcement officers. | Del. Code Ann. tit. 11, § 778: Felony. Imprisonment for not less than 15 years. Felony when the defendant inflicts serious physical injury; intentionally causes disfigurement or disability; commits acts against three or more victims; or has previously been convicted for sexual abuse of a child. Imprisonment for life without the benefit of probation. |
| Florida | Fla. Stat. § 775.0862 | Fla. Stat. § 775.0862 | "Authority figure" includes any person 18 years of age or older who is employed by, volunteering at, or under contract with a school. | Fla. Stat. § 775.082. The punishment shall conform to the following: Life Felony: Term of imprisonment for life, or 40 years; 1st Degree: Term not exceeding 30 yrs 2nd Degree: Term not exceeded 15 years |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|---------|--|------------------------------|--|--|
| Georgia | Ga. Code Ann. § 16-6-5.1 | Ga. Code Ann. § 16-6-5.1(b) | "A person who has supervisory or disciplinary authority over another" includes a school administrator and teacher. It also includes employees of community supervision offices; probation officers; employees of law enforcement agencies and correctional, detention, or child welfare facilities; employees of hospitals if the minor is a patient at or being detained in that hospital; and psychotherapists. | Ga. Code Ann. § 16-6-5.1: Felony. Imprisonment for not less than one year and not more than 25. Felony when the victim is under the age of 16. Imprisonment for not less than 25 years and not more than 50. |
| Guam | Guam Code Ann. tit. 9, § 25.15 Guam Code Ann. tit. 9, § 25.20 | None found | The Guam Criminal Code does not define " <i>position of authority</i> ," but it uses that term to identify a specific violator of Guam Code Ann. tit. 9, §§ 25.15, 25.20. | Guam Code Ann. tit. 9, § 25.15: Felony. Imprisonment for no less than 15 years. Guam Code Ann. tit. 9, § 25.20: Felony. Imprisonment for no less than 15 years. |
| Hawaii | Haw. Rev. Stat. § 707-731 Haw. Rev. Stat. § 707-732. | None found | The following persons can violate Haw. Rev. Stat. § 707-731, 732 based on their actions relationship with the minor: public and private correctional facility employees and service providers; residential service providers; and law enforcement officers. | Haw. Rev. Stat. § 707-731: Felony. Imprisonment not to exceed 10 years. Haw. Rev. Stat. § 707-732: Felony. Imprisonment not to exceed 5 years. |
| Idaho | None found | None found | n/a | n/a |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|----------|--------------------------------|------------------------------|--|--|
| Illinois | 720 Ill. Comp. Stat. 5/11-1.20 | None found | 720 Ill. Comp. Stat 5/11-1.20 does not define " <i>position of trust</i> ," but it uses that term to identify a specific violator of the statute: "holds a position of trust, authority, or supervision in relation to the victim." | 720 Ill. Comp. Stat. 5/11-1.20: Felony. Imprisonment for not less than 4 years and not more than 15. |
| Indiana | Ind. Code § 35-42-4-7 | Ind. Code § 35-42-4-7 | "Child care worker" includes those persons in a " <i>position of trust</i> " and school employees. It also includes shelter care employees. | Ind. Code § 35-42-4-7: Felony if the defendant engaged in fondling or touching. Imprisonment for not less than six months and not more than 2 1/2 years. Felony if the defendant engaged in sexual intercourse. Imprisonment for not less than one year and not more than 6. |
| Iowa | Iowa Code § 709.4(3)(c) | None found | Iowa Code § 709.4(3)(c) does not define " <i>position of authority</i> ," but it uses that term to identify a specific violator of the statute: "person is in a position of authority over the other person and uses that authority to coerce the other person to submit." | Iowa Code § 709.4: Felony. Imprisonment not to exceed 10 years. |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|--------|---------------------------------|------------------------------|--|---|
| Kansas | Kan. Stat. Ann. § 21-5512(a)(9) | Kan. Stat. Ann. § 21-5512(9) | <p>"Teacher" includes a coach, school administrator, teachers, supervisors, and other professional employees in a public or private school. Kan. Stat. Ann. § 21-5512(9) does not define "<i>position of authority</i>," but it uses that term to identify a specific violator of the statute. It also identifies the following as possible violators of the statute: employees, contractors, and volunteers from the department of corrections, juvenile detention facilities, jails, and correctional facilities; parole officers; employees of the Kansas department for aging and disability services; employees, volunteers, and persons in positions of authority in family foster homes; county service officers or employees.</p> | Kan. Stat. Ann. § 21-5512(9); Kan. Stat. Ann. § 21-6804(f). Severity level 5, person felony. Imprisonment for a range of 50-55 months. See grid at Kan. Stat. Ann. § 21-6804. |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|-----------|-------------------------------|-------------------------------|--|---|
| Kentucky | Ky. Rev. Stat. Ann. § 510.110 | Ky. Rev. Stat. Ann. § 532.045 | <p>"Position of authority" includes coach, school employee, teacher, and adult volunteer. It also includes the following related positions: adult youth leader; adult athletic manager; counselor; and recreation staff. It also includes a parent, relative, or household member; staff or volunteer for a residential treatment facility, detention facility, or youth services organization; religious leader; health care provided; or employer.</p> <p>"Position of special trust" is "a position occupied by a person in a position of authority who by reason of that position is able to exercise undue influence over the minor."</p> | Ky. Rev. Stat. Ann. § 510.110: Felony. Imprisonment not to exceed 5 years. Felony if the victim is less than 12 years of age. Imprisonment for at least 5 years and not more than 10. |
| Louisiana | La. Rev. Stat. Ann. § 14:81.4 | La. Rev. Stat. Ann. § 14:81.4 | "Educator" includes a coach, school administrator, teacher, instructor, paraprofessional, student aide, and teacher's aide. | La. Rev. Stat. Ann. § 14:81.4: Misdemeanor. Imprisonment for not more than six months. |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|---------------|---|----------------------------------|---|---|
| Maine | Me. Rev. Stat. Ann. tit.17-A, § 253(2) | None found | The following persons can violate Me. Rev. Stat. tit. 17-A, § 253 based on their actions and relationship with the minor: teachers, school employees and officials who have instructional, supervisory, or disciplinary authority over the minor. | Me. Rev. Stat. Ann. tit.17-A, § 253(2): Felony. Imprisonment not to exceed 5 years. |
| Maryland | Md. Code Ann., Crim. Law § 3-308 | Md. Code Ann., Crim. Law § 3-308 | "Person in a position of authority" includes a coach; school administrator (principal or vice principal); and teacher. It also includes persons employed by schools who exercise supervision over a minor and school counselors. | Md. Code Ann., Crim. Law § 3-308. Misdemeanor. Imprisonment not to exceed one year. |
| Massachusetts | Although no statute exists regarding abuse of children when violator is in a position of trust, Commonwealth v. Malave, 2015 Mass. App. Unpub. LEXIS 467 (Mass. App. Ct. 2015) explains that whether the offender was in a position of trust is a factor in determining whether a child's report of abuse was considered reasonably prompt. | n/a | n/a | n/a |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|----------|-----------------------------------|------------------------------|---|---|
| Michigan | Mich. Comp. Laws § 750.520b(1)(b) | None found. | Mich. Comp. Laws § 750.520b(1)(b) does not define " <i>position of authority</i> ," but it uses that term to identify a specific violator of the statute: "actor is in a position of authority over the victim and used this authority to coerce the victim to submit." Additionally, the following persons may violate Mich. Comp. Laws § 750.520b(1)(b) based on their relationship with the minor: school administrators and teachers; employees or contractual service providers of a school or school district; employees, contractual service providers, and volunteers of child care organizations, foster family homes, or foster family group homes; and members of the same household or relatives. | Mich. Comp. Laws § 750.520: Felony. Imprisonment for life or for any term of years. If the actors is 17 years of age or older and the victim is less than 13 years, imprisonment for not less than 25 years. |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|-------------|------------------------------|-------------------------------|---|--|
| Minnesota | Minn. Stat. § 609.342 | Minn. Stat. § 609.341 | "Position of authority" includes "any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities to a child, or a person who is charged with any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of the act." | Minn. Stat. § 609.342(2): Felony. Imprisonment not to exceed 30 years. |
| Mississippi | Miss. Code Ann. § 97-5-23(2) | Miss. Code. Ann. § 97-5-23(2) | "Position of trust or authority" includes a coach and teacher. It also includes a child's counselor, chiropractor, physical therapist, physician, psychiatrist, psychologist, minister, priest, scout leader, and parent, guardian, aunt, or uncle. | Miss. Code Ann. § 97-5-23(2): Felony. Imprisonment for not less than two years and not more than 15. |
| Missouri | Mo. Rev. Stat. § 566.086 | None found | The following persons can violate Mo. Rev. Stat. § 566.086 based on their actions and relationship with the minor: teachers; school employees and volunteers; public school district officials; and school contractors and its employees. | Mo. Rev. Stat. § 566.086: Felony. Imprisonment not to exceed four years. Note: Starting in January 2017, the offense of sexual contact with a student will be a class E felony instead of a class D. At the same time, the classes of felonies are changing, so the punishment will remain 4 years. |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|----------|--|------------------------------|--|---|
| Montana | Mont. Code Ann. § 45-5-502 | Mont. Code Ann. § 45-5-501 | "Supervising authority" includes a court or the department of corrections. | <p>Mont. Code Ann. § 45-5-502: Misdemeanor for first conviction. Imprisonment not to exceed 6 months.</p> <p>Misdemeanor for second conviction. Imprisonment not to exceed 1 year.</p> <p>Felony if the victim is less than 16 years and the offender is 3 or more years older or the offender inflicts bodily injury. Imprisonment for not less than 4 years. and may be fined not more than \$ 50,000. Mont. Code Ann. § 45-5-502 (LexisNexis, Lexis Advance through the latest session (2015))</p> |
| Nebraska | None found | None found | n/a | N/a |
| Nevada | Nev. Rev. Stat. § 201.540 Nev. Rev. Stat. § 201.550 | Nev. Rev. Stat. § 201.550 | <p>The following persons can violate Nev. Rev. Stat. § 201.540 based on their actions and relationship with the minor: employees and volunteers of public or private schools.</p> <p>Under Nev. Rev. Stat. Ann. § 201.550, "position of authority" of a college or university includes a coach; a school administrator; or a teacher, instructor, or professor.</p> | <p>Nev. Rev. Stat. § 201.540: Felony. Imprisonment for not less than one year and not more than 5.</p> <p>Nev. Rev. Stat. § 201.550: Felony. Imprisonment for not less than one year and not more than 5.</p> |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|---------------|--------------------------------|------------------------------|---|---|
| New Hampshire | N.H. Rev. Stat. Ann. § 632-A:2 | None found | N.H. Rev. Stat. Ann. § 632-A:2 does not define " <i>position of authority</i> ," but it uses that term to identify a specific violator of the statute: "the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit." Specific incidents when an actor in a position of authority violates the statute include the following: when the actor is employed by a correctional institution, a secure psychiatric unit, or a juvenile detention facility and when the actor is a probation or parole officer. | N.H. Rev. Stat. Ann. § 632-A:2: Felony. Imprisonment not to exceed 20 years and a minimum not to exceed 1/2 of the maximum. |
| New Jersey | N.J. Stat. Ann. § 2C:14-2 | None found | N.J. Stat. § 2C:14-2 does not define " <i>supervisory or disciplinary power</i> ," but it uses that term to identify a specific violator of that statute. A person has supervisory or disciplinary power based on his or her legal, professional, or occupational status. | N.J. Stat. Ann. § 2C:14-2: Felony for aggravated sexual assault. Imprisonment for not less than 25 years. Felony for sexual assault. Imprisonment for not less than 15 years. |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|----------------|------------------------------------|---|--|---|
| New Mexico | N.M. Stat. § 30-9-13(B)(2), (C)(2) | N.M. Stat. § 30-9-10(E) | "Position of authority" includes a teacher. It also includes an employer or other person who, by reason of the position of authority, is able to exercise undue influence over a child. Parents, relatives, and household members are also in positions of authority. Additionally, N.M. Stat. § 30-9-13 identifies the following persons as possible violators of the statute based on their actions and relationship with the minor: school employee, school contract employee, school health service provider, and adult school volunteer. | N.M. Stat. § 30-9-13: Felony for sexual contact in the second degree. Imprisonment for not less than 3 years. Felony for sexual contact in the third degree. Imprisonment for a term of six years. Felony for sexual contact in the fourth degree. Imprisonment for a term of 18 months. |
| New York | None found | None found | n/a | n/a |
| North Carolina | N.C. Gen. Stat. § 14-202.4 | N.C. Gen. Stat. § 14-202.4 N.C. Gen. Stat. § 115C-332 | The following persons can violate N.C. Gen. Stat. § 14-202.4 based on their actions and relationship with the minor: coach, school administrator, teacher, school safety officer, and other school personnel. "School personnel" includes employees of a local board of education and contractors and volunteers of local boards of education who have significant access to students. | N.C. Gen. Stat. § 14-202.4: Felony Class is punishable by a term of imprisonment between 4-10 months. See chart at N.C. Gen. Stat. § 15A-1340.17(c)(4). |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|------------------|--|------------------------------|---|--|
| North Dakota | None found | None found | n/a | n/a |
| Northern Mariana | 6 N. Mar. I. Code § 1306 6 N. Mar. I. Code § 1307 6 N. Mar. I. Code § 1308 6 N. Mar. I. Code § 1309 | 6 N. Mar. I. Code § 1317(5) | "Position of authority" includes a coach, school administrator, and teacher. It also includes a counselor; a religious, scout, or youth leader; an employer; doctor, nurse, or psychologist; a babysitter; a guardian ad litem; and a police or probation officer. | 6 N. Mar. I. Code § 1306: Felony. Imprisonment not to exceed 10 years. 6 N. Mar. I. Code § 1307: Felony. Imprisonment not less than 5 years and not more than 15. 6 N. Mar. I. Code § 1308: Felony. Imprisonment not less than two years and not more than five. 6 N. Mar. I. Code § 1309: Misdemeanor. Imprisonment not less than 120 days and not more than one year. |
| Ohio | None found | None found | n/a | n/a |
| Oklahoma | Okla. Stat. tit. 21, § 1123(B) | None found | The following persons can violate Okla. Stat. tit. 21, § 1123 based on their actions and relationship with the minor: school system employee, which includes teachers, school administrators, and employees of school contractors; state, county, municipal, and political subdivision employees or contractors when the minor is under the legal custody, supervision, or authority of the employee's agency; and foster parents and foster parent applicants. | Okla. Stat. tit. 21, § 1123: Felony. Imprisonment not to exceed 10 years. |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|--------------|---|--------------------------------|--|---|
| Oregon | Or. Rev. Stat. § 163.425(1) | Or. Rev. Stat. § 163.426(1) | "Coach" includes a person who instructs or trains and individual or members of a team in a sport. | Or. Rev. Stat. § 163.425: Felony. Imprisonment not to exceed 5 years. |
| Pennsylvania | 18 Pa. Cons. Stat. § 3124.3(a) 18 Pa. Cons. Stat. § 3124.2 | 18 Pa. Cons. Stat. § 3124.3(c) | "Sports official" includes a person who supervises children participating in a sports program of a nonprofit or for-profit association, including a coach, athletic trainer, team attendant, game manager, instructor, or a person at a sports program who enforces the rules of a sporting event. | 18 Pa. Cons. Stat. §1103: Felony. Imprisonment not to exceed 7 years. 18 Pa.C.S. § 1103. Felony in the 3rd degree punishable by a sentence of imprisonment not more than 7 years. |
| Puerto Rico | P.R. Law Ann. tit. 33, § 4770 | None found | P.R. Law Ann. tit. 33, § 4770 does not define a person with " <i>relationship of superiority</i> ," but it uses that term to identify a specific violator of that statute. A person is in a relationship of superiority when the victim when the person is a teacher or educator; a counselor or religious leader; a medical professional; or a custodian or guardian. | P.R. Law Ann. tit. 33, § 4694: Felony. Imprisonment for not less than 15 years and one day and not more than 25 years. |
| Rhode Island | None found | None found | n/a | n/a |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|----------------|---------------------------|---------------------------------|---|---|
| South Carolina | S.C. Code Ann. § 16-3-755 | S.C. Code Ann. § 16-3-755(A)(3) | "Person affiliated with a public or private secondary school in an official capacity" includes coach, school administrator, and teacher. It also includes guidance counselor, teacher's assistant, school bus driver, and law enforcement officer. | S.C. Code Ann. § 16-3-755: Felony when the victim is 16 or 17 years of age. Imprisonment not to exceed 5 years. Misdemeanor when the victim is a student and 18 years of age or older. Fine or imprisonment for 30 days or both. Felony when the victim is a student 18 years of age or older and the defendant had direct supervisory authority over the student. Imprisonment not to exceed 5 years. |
| South Dakota | None found | None found | n/a | n/a |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|-----------|--|---------------------------------|---|--|
| Tennessee | <p>Tenn. Code Ann. § 39-13-509</p> <p>Tenn. Code Ann. § 39-13-527</p> <p>Tenn. Code Ann. § 39-13-532</p> | None found. | <p>Tenn. Code Ann. §§ 39-13-509, 527, and 532 do not define "<i>position of trust</i>," but they use that term to identify a specific violator of the statutes. A person in a position of trust had supervisory or disciplinary power over the minor by virtue of the person's legal, professional, or occupational status.</p> | <p>Tenn. Code Ann. § 39-13-509: Misdemeanor. Mandatory minimum fine of \$1,000.</p> <p>Tenn. Code Ann. § 39-13-527: Felony Class C punishable by a term of imprisonment not less than 3 years nor more than 15 years. The jury may assess a fine not to exceed \$10,000, unless otherwise provided by statute . Tenn. Code Ann. § 40-35-111.</p> <p>Tenn. Code Ann. § 39-13-532: Felony Class B felony punishable by a term of imprisonment for not less than 8 nor more than 30 years. The jury may assess a fine not to exceed \$25,000, unless otherwise provided by statute. Tenn. Code Ann. § 40-35-11.</p> |
| Texas | Tex. Penal Code Ann. § 21.12 | Tex. Penal Code Ann. § 21.12(A) | <p>The following persons can violate Tex. Penal Code Ann. § 21.12 based on their actions and relationship with the minor: employees of public or private primary or secondary schools.</p> | <p>Tex. Penal Code Ann. § 21.12(b): Felony. Imprisonment of not less than 2 years and not more than 20.</p> |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|-------------------|---|---------------------------------------|--|--|
| US Virgin Islands | V.I. Code Ann. tit. 14, § 1700 V.I. Code Ann. tit. 14, § 1700a V.I. Code Ann. tit. 14, § 1708 | V.I. Code Ann. tit. 14, § 1700a | "Person of authority" includes a coach, school administrator, and teacher. It also includes counselor; employer; religious, scout, or youth leader; doctor, nurse, or psychologist; babysitter; guardian ad litem; and police and probation officer. | V.I. Code Ann. tit. 14, § 1700: Felony. imprisoned of not less than 15 years. V.I. Code Ann. tit. 14, § 1700a: Felony. Imprisonment for not less than 10 years. V.I. Code Ann. tit. 14, § 1708: Felony. Imprisonment not to exceed 15 years. |
| Utah | Utah Code Ann. § 76-5-404.1 | Utah Code Ann. § 76-5-404.1(1)(c) | "Position of special trust" includes a coach and teacher, along with all other school employees. It also includes athletic managers; recreational leaders; scout, religious, and youth leaders; counselors; employers; doctors; babysitters; family members, including all parents, aunts, uncles, grandparents, and adult siblings; and legal guardians. | Utah Code Ann. § 76-5-404.1: Felony for aggravated sexual abuse. Imprisonment of not less than 15 years. Life without parole if the defendant causes serious bodily injury to the child or if the defendant was previously convicted of grievous sexual offense. |
| Vermont | Vt. Stat. Ann., tit. 13, § 3258 | Vt. Stat. Ann., tit. 13, § 3258(a)(2) | "Position of power, authority, or supervision" includes an actor who undertakes the responsibility, professionally or voluntarily, to provide for the health or welfare of minors, or guidance, leadership, instruction, or organized recreational activities for minors. | Vt. Stat. Ann., tit. 13, § 3258: Felony when the defendant abuses his or her position of power, authority, or supervision over the minor. Imprisonment not to exceed 5 years. |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|------------|--|--------------------------------|---|--|
| Virginia | Va. Code Ann. § 18.2-370.1 | Va. Code Ann. § 18.2-370.1(A) | Va. Code Ann. § 18.2-370.1 does not define " <i>custodial or supervisory relationship</i> ," but it uses that term to identify a specific violator of the statute. | Va. Code Ann. § 18.2-370.1: Felony. Imprisonment not less than one year and not more than 5. |
| Washington | Wash. Rev. Code § 9A.44.093 Wash. Rev. Code § 9A.44.096 | Wash. Rev. Code § 9A.44.010(8) | "Significant relationship" includes a person who undertakes the responsibility, professionally, or voluntarily, to provide education, health, welfare, or organized recreational activities for minors and a person who in the course of employment supervises minors. | Wash. Rev. Code § 9A.44.093. Class C Felony is punishable by confinement in a state correctional institution not to exceed 5 years, or by a fine not exceed \$10,000, or by both. Wash. Rev. Code § 9.68.140 Wash. Rev. Code § 9A.44.096. Gross Misdemeanor is punishable by imprisonment in county jail for a max. term of up to 364 days, or a fine of not more than five thousand dollars both. Wash. Rev. Code § 9.92.020 |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|------------------|--|------------------------------|---|--|
| Washington, D.C. | D.C. Code § 22-3009.03 D.C. Code § 22-3009.04 | None found | The following persons can violate D.C. Code §§ 22-3009.03, 3009.04 based on their actions and relationship with the minor: coaches, principals, teachers, counselors, and other persons with authority at a secondary school. <u>Note:</u> D.C. Code § 22-3001 defines the term "significant relationship," which includes employees and volunteers for social, recreational, and athletic organizations. The two statutes identified, however, do not use the term significant relationship. They, instead, list violators of the statutes. | D.C. Code § 22-3009.03: Felony. Imprisonment not to exceed 10 years. D.C. Code § 22-3009.04: Felony. Imprisonment not to exceed 5 years. |
| West Virginia | W. Va. Code § 61-8D-5 | W. Va. Code § 61-8D-1(13) | "Person in a position of trust in relation to a child" includes any person who is responsible for the health, education, welfare, or supervision of a child based on his or her occupation or position or who is responsible for the general supervision of a child's welfare, or who is acting in place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child. | W. Va. Code § 61-8D-5: Felony when the defendant commits the act. Imprisonment not less than 10 years and not more than 20. Felony when the defendant procures or induces another to commit the act and the victim is under 16 years of age. Imprisonment not less than 5 years and not more than 15. Felony when the defendant procures or induces another to commit the act and the victim is 16 years of age or older. Imprisonment not less than one year and not more than 5. |

**Circle of Trust Perpetrators of Child Sexual Abuse:
Maximum Penalties by State**

| STATE | POSITION OF TRUST STATUTE | POSITION OF TRUST DEFINITION | TERMS INCLUDED IN DEFINITION/STATUTE | PENALTY |
|-----------|--|----------------------------------|--|---|
| Wisconsin | Wis. Stat. § 948.095 | Wis. Stat. § 948.095(3)(d) | "Occupations or positions that require a person to work or interact directly with children" include coaching and teaching. They also include parks or playground recreation; youth organization; youth counseling; school bus driving; and child care. | Wis. Stat. § 948.095: Felony. Imprisonment not to exceed 3 years. |
| Wyoming | Wyo. Stat. Ann. § 6-2-316 Wyo. Stat. Ann. § 6-2-317 | Wyo. Stat. Ann. § 6-2-301(a)(iv) | "Position of authority" includes teachers and any other person who, by reason of his or her position, is able to exercise significant influence over a person. It also includes employers; parents, guardians, and custodians; and relative or household members. | Wyo. Stat. Ann. § 6-2-316: Felony. Imprisonment not to exceed 15 years. Wyo. Stat. Ann. § 6-2-317: Felony. Imprisonment not to exceed 5 years. |