

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 1: CRIMES AGAINST THE PERSON

§ 1304. Sexual Assault in the Fourth Degree.

(a) An offender commits the crime of sexual assault in the fourth degree if

(1) while employed in the Commonwealth correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, the offender engages in sexual contact with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment; or

(2) the offender engages in sexual contact with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Public Health and Environmental Services under the civil or criminal commitment laws, and the offender is the legal guardian of the person.

(b) Sexual Assault in the fourth degree is punishable by imprisonment for not less than forty-five days and not more than one year, a fine of \$1,000, or both. Notwithstanding any other provision of law, a person sentenced under this provision and 6 CMC section 4252 shall not be eligible for parole, if at all, until two-thirds of this minimum sentence (30 days) has been served.

Source: PL 3-71, § 1 (§ 407); repealed and replaced by PL 12-82, § 3 (1304); subsection (b) amended by PL 18-3, § 4 (March 15, 2013).

Commission Comment: See comment to 6 CMC § 1301 regarding PL 12-82. The Commission struck the figure “45” from subsection (b) pursuant to 1 CMC § 3806(e).