

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

**§ 1303. Sexual Assault in the Third Degree.**

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

(1) engages in sexual contact with a person who the offender knows is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed.

(2) while employed in a Commonwealth correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, engages in sexual penetration 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

(3) engages in sexual penetration 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 Commonwealth's civil or criminal laws, and the offender is the legal guardian of the person.

(b) Sexual Assault in the third degree is punishable by imprisonment of not less than one year and not more than five years, a fine of not more than \$2,000, or both. Notwithstanding any other provision of law, a person sentenced under this provision or 6 CMC section 4252 shall not be eligible for parole, if at all, until two-thirds of this minimum sentence (244 days) has been served.

**Source:** PL 3-71, § 1 (§ 406); repealed and replaced by PL 12-82, § 3 (1303); subsection (b) amended by PL 18-3, § 3 (March 15, 2013).

**Commission Comment:** See comment to 6 CMC § 1301 regarding PL 12-82.