

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

**§ 1310. General Provisions.**

(a) In a prosecution under 6 CMC §§ 1306-1309 it is an affirmative defense that, at the time of the alleged offense, the victim was the legal spouse of the defendant, unless the offense was committed without the consent of the victim.

(b) In a prosecution under 6 CMC §§ 1303-1309, whenever a provision of law defining an offense depends upon a victim being under a certain age, it is an affirmative defense that, at the time of the alleged offense, the defendant reasonably believed the victim to be that age or older, unless the victim was under 13 years of age at the time of the alleged offense.

**Source:** PL 3-71, § 1 (§ 423); amended by PL 3-72, § 2 (§ 423); repealed and replaced by PL 12-82, § 3 (1310), modified.

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