

# “Romeo and Juliet” Laws – What They Mean For Our Teens

## You Say “Boyfriend” — Some States Say “Child Molester”

An older teen who has sex or inappropriate contact with his/her younger girlfriend/boyfriend can be arrested, prosecuted, and jailed for the act. Even worse, he/she may carry the stigma of being labeled a sex offender for 10 years to life.

The problem typically arises when the male is 18 or 19, the female is between 14 and 16, and the parent of the younger teen presses charges. (Even Romeo would be labeled a sex offender today, as he was believed to be 16 and Juliet just 13 when their relationship began.)

Often, teenage couples engage in consensual sexual conduct as part of an intimate relationship. This may start to occur before either participant has reached the age of consent, or after one has but the other has not. In such cases, the older of the two participants is technically guilty of statutory rape (or criminal sexual assault). Most jurisdictions consider the act itself to be *prima facie* evidence of guilt, as any consent between partners, even if freely given, does not meet the standard of law as it is given by a minor. The accused in these cases normally have no defense.

This has often been considered unjust, leading to the passage of so-called “Romeo and Juliet” laws, which serve to reduce or eliminate the penalty of the crime in cases where the couple’s age difference is a few years and the sexual contact is only considered rape because of the lack of legally recognized consent.

Statutory rape laws are strange things. What’s permissible in some states means jail time in others, and enforcement is unpredictable.

While statutory rape and similar laws were written to protect children from abuse by older, predatory partners, teenagers can get caught in the crossfire. Any sexual activity involving teens and children under the age of consent is considered rape, even when both partners are willing.

These restrictions may sound archaic, but the consequences can be severe. The average age of first intercourse in the United States is 17, which means that more than half of the teen population has already broken the law, and many of those relationships involve 18 and 19 year olds. That’s an important distinction, because just as state laws differ on the age of consent, their sentences also vary according to the age difference between partners. A statutory rape conviction as an adult can mean jail or prison time, and the requirement that they register as sex offenders for 10 years to the rest of their lives.

## “Romeo & Juliet” Laws: How Does Illinois Compare?

In Illinois, the most common offense for a teenage consensual relationship is “criminal sexual abuse.” However, depending on the victim’s age or other circumstances (i.e., nude photos are involved, multiple counts for the same offense, etc.), the offender can be charged with any of the following offenses, even if the act was consensual:

- criminal sexual abuse/can’t consent
- criminal sexual abuse/force
- criminal sexual assault
- aggravated criminal sexual abuse
- aggravated criminal sexual assault

Other states classify consensual teen relationships as:

- aggravated sexual assault
- rape
- sexual assault
- statutory rape
- unlawful sexual intercourse

Out of the 24,500+ registered sex offenders in Illinois, 1,279 could potentially be Romeo and Juliet (consensual) cases. The breakdown by age is as follows:

- 731:** Up to a 4-year age difference
- 307:** 5-year age difference
- 164:** 6-year age difference
- 77:** 7-year age difference

The following states have changed their laws so that teenagers who are having consensual relationships are not classified as “sex offenders” and forced to register if the following apply:

- CA:** Offender is not more than 3 years older than the victim
- CT:** “Victim at least 13, offender not more than 2-3 years older (depending on degree of offense)
- FL:** Victim at least 14, offender not more than 4 years older
- GA:** Victim at least 14, offender not more than 4 years older
- IN:** Offender is not more than 4 years older than the victim
- ME:** Victim at least 14, offender up to 5 years older
- MD:** Victim at least 14, offender not more than 4 years older (2nd degree); victim at least 14, offender at least 21 (3rd degree)
- MO:** Offenders may now petition court for removal from the registry two years from date of conviction if the victim was 13-16 and offender was 17-19. If the victim was 14-16 and offender was 17-18, the offender may petition at the time of sentencing.
- OK:** Victim at least 14, offender not more than 4 years older
- OR:** Victim at least 14, offender less than 5 years older
- TX:** Victim at least 15, offender less than 3 years older
- VT:** Victim at least 15, offender less than 19 years old (No lifetime registration if consensual, victim was at least 14, and offender not more than 6 years older)



## Illinois "Romeos"

**Ryan** was 19 and his girlfriend was only 16 when he was charged with criminal sexual abuse. Because a topless picture of her was found at her house, the charge of child pornography was added. In order to avoid prison and a lifetime on the registry, Ryan took a deal. That deal included the offense of "criminal sexual abuse/force." He is now a registered sex offender for the next 10 years.

**Justin** was 17 when he met a girl he thought was the same age as him; he found out later she was 15. Her parents were okay with their relationship until he broke up with her. With a broken heart and angry, she called the police. He is now a registered sex offender for the next 10 years with the offense of "criminal sexual abuse."

**Dustin** was 17 when he fell in love with a girl who was 14. Her mother was okay with the relationship until a fist fight occurred between her and her daughter. Dustin was questioned about the fight and after admitting the mother hit the daughter, the mother decided she didn't want them together anymore. He is now a registered sex offender for the next 10 years with the offense of "criminal sexual abuse."

**Ashley** was 18 when she began a relationship with a girl who was 14 years old. When the girlfriend ran away and ended up at Ashley's house, the father called the police. Ashley was arrested, discharged from the Army, and is now a registered sex offender with the offense of "criminal sexual abuse."

**Jacob** was 20 when he met a girl just a few months shy of turning 17. They spent the night together and had consensual sex. Shortly thereafter, out of guilt for cheating on her boyfriend, she told her mother who called the police. He is now a registered sex offender for 10 years with the offense of "criminal sexual abuse."

**Justin** was 19 when the father of a 15-year-old girl introduced them. They had consensual sex which she wrote about in her journal. When her mother found and read the journal, he was arrested. He is now a registered sex offender for the next 10 years with the offense of "criminal sexual abuse."

**Shane** was 17 when he fell in love with a 15-year-old girl. A short time later he asked her to marry him and she said yes. While being questioned for a burglary, the police found out about the relationship and arrested him. He was forced to stay away from her, even though she was pregnant with his child. His offense is "criminal sexual abuse."

**Jason** was 17 when he met and dated a girl who was 16. When Jason was leaving for college, she became hurt and told her mom. That's when Jason found out she was only 14. He was arrested and now his dream of becoming a lawyer is over.

**Joseph** was 18 and living with his 15-year-old girlfriend at her parent's house. When she found out she was pregnant, her mother wanted her to have an abortion. When she didn't, the mother called the cops on Joseph. He is now a sex offender.

**Rich** was 20 and dating a girl who was 19. They had a loving relationship and she eventually got pregnant. When Rich went to talk to her parents about prenatal care, he found out she had lied about her age and was only 15 years old. She even had an I.D. that said she was 19. Rich was sent to prison for 2 years, where he remains today.

**Clint** was 19 when he met and fell in love with a girl who was 14. After she turned 15, she found out she was pregnant. The police were called and he was arrested. Her mother tried to get the charges dropped, but no one would listen. They have been together almost 10 years, are now married, and have 2 children. Their kids can't play with other kids because parents are afraid. Clint can't take his own kids to the park, ball games, school, daycare, or other places kids gather.

**James** was 18 and met a girl on MySpace who was also 18. They fell in love, he asked her to marry him, and moved to Illinois to be with her. After arriving in Illinois, he went to her house thinking he would meet her father, but he wasn't home. He spent the night. When her father got home the next day, an argument ensued and the police were called. It was then he found out she was only 15. He was arrested and charged with "criminal sexual assault." The next day he was released and dropped off at a shelter. He is now a registered sex offender for the next 10 years.

*These are just a few of the many stories from across Illinois. For more stories visit our website.*

“ I have a real concern that we're doing things that are ruining some people's lives. I mean, we all have children, and we know things can happen with teenagers. ”

(Sen. Evelyn Lynn, R-Osmond Beach, FL)



“ If they were young offenders, there's got to be a way to take them off the list. Who amongst us, thinking back in the days when we were 19 or so, weren't caught up in something? I mean, that could have been me! ”

(Sen. Jim King, R-Jacksonville, FL)

“ You don't want to label a guy or a girl a sex offender for life if they don't truly deserve it. ”

(former State Sen. Nancy Argeniano, R-Crystal River, FL, sponsor of the "Romeo and Juliet" bill)

“ There are Romeo and Juliet cases where these kids are having a relationship that may not be violent. Yet even in those instances where it is not violent, they are still treated exactly the same as a violent adult offender. I think that's the biggest challenge that I have with sex offender laws. They tend to treat all sex offenders the same, and they're not the same. ”

(Patty Wetterling, mother of Jacob Wetterling)

“ A teenager could have a lifetime of hell because of a misplaced tag [as a sex offender]. ”

(Indiana State Rep. Ralph Foley, co-author of the "Romeo and Juliet" bill)

*An offense involving consensual sexual conduct is not a sex offense for the purposes of [the Adam Walsh Act] if the victim was at least 13 years old and the offender was not more than four years older than the victim.*



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