

WHAT IS SEXUAL ASSAULT?

According to Montana Law

SEXUAL ASSAULT (MT statute 45-5-502) is unwanted sexual contact that does not involve penetration.

SEXUAL INTERCOURSE WITHOUT CONSENT (MT statute 45-5-503) involves penetration of any bodily orifice with any bodily part or object.

Montana state law defines “without consent” in statute 45-5-501 as:

A) a survivor submitting to sexual assault by “force” of the perpetrator; or

B) a survivor is incapable of consent because

1) a survivor is “mentally disabled or incapacitated” or

2) a survivor is “physically helpless” or

3) a survivor is overcome by deception, coercion or surprise; or

4) a survivor is under the age of 16.

5) a survivor is incarcerated in an adult or juvenile correction facility and the perpetrator is an employee in the facility.

“**Force**” means “the infliction, attempted infliction, or threatened infliction of bodily injury...by the offender,” or “the *threat* of substantial retaliatory action that causes the victim to reasonably believe that the offender has the ability to execute the threat.”

“**Mentally disabled**” means “that a person suffers from a mental disease or disability that renders the person incapable of appreciating the nature of the person’s own conduct.”

“**Mentally incapacitated**” means “that a person is rendered temporarily incapable of appreciating or controlling the person’s own conduct as a result of the influence of an intoxicating substance.”

STATUTORY RAPE is any sexual intercourse between an child under the age of 16 and an individual older than the former by three years or more.

STRANGER RAPE occurs when a person is raped by a perpetrator whom she/he has never seen or been in contact with before.

ACQUAINTANCE or NONSTRANGER RAPE encompasses several different subcategories of rape. These categories include: acquaintance rape, date rape, and marital rape. **Acquaintance rape** indicates that the survivor and the perpetrator were acquainted with one another or were “friends” before the assault. Acquaintance rape occurs mostly to women ages 15-24 (National Center for Prevention & Control of Rape, Washington, DC, 1984). **Date rape** indicates that the survivor and the perpetrator were involved in an intimate relationship at the time of the assault. **Marital rape** indicates that the survivor and perpetrator were married at the time of the assault.

GANG RAPE: occurs when there is a sexual assault by two or more persons against another person.

CHILD SEXUAL ABUSE: occurs when a person forces a child to have any sexual contact or forces a child to perform sexual acts.

INCEST: is defined as sexual assault, abuse or contact perpetrated by a family member.

SEXUAL EXPLOITATION: occurs when one person uses the other person sexually for his or her own benefit, while ignoring or without giving consideration to the other person's feelings.

SEXUAL HARASSMENT: is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct in the sexual nature. Such conduct has purpose or effect of unreasonable interference with an individual's work/school performance or creating an intimidating, hostile or offensive working environment.

All people, regardless of gender, age, class, ethnicity or ability can be assaulted. Sexual assault is not about sex, but about exerting power over another person.

Missoula YWCA Pathways Sexual Assault Services Program

- Crisis Counseling for survivors of sexual assault and their friends and family.
- Advocacy, referrals and follow-up contact
- Accompaniment and support for survivors
- 24-hr hotline (**542-1944**)
- Walk-in hours M-F, 12-4:30
- Support and therapy groups for adult sexual assault survivors and adult survivors of child sexual abuse
- Public education programs for youth and adult community groups.

Student Assault Resource Center

- Crisis Counseling for survivors and their friends, roommates, family and partners
- Advocacy and follow up contact
- Accompaniment and support for survivors
- 24-hr crisis line during academic year (**243-6559**)
- Walk-in hours M-F 10am-5pm
- Support group
- Extensive resource library
- Peer education program
- First Responders Training
- Men's Discussion Group