

OBSCURE SEX CRIMES-RELATED STATUTES

By Dennis Nicewander
Assistant State Attorney
www.locatethelaw.org

Offense	Statute	Degree	Elements
Battery on a Child	784.085	3	Illegal to toss bodily fluids at children.
Battery of a Facility Employee	784.078	3	Illegal harass employees by exposing them to chewed food, vomit, saliva, feces, urine and semen.
Voyeurism	810.14	M	With lewd intent, secretly records another person in a dwelling, structure or conveyance when that person has reasonable expectation of privacy.
Video Voyeurism	810.0145	1M 3F	Secretly view, record, or broadcast images of another in state of undress for purpose of entertainment, arousal, profit when person has an expectation of privacy. Illegal to disseminate.
Sexual Misconduct (DOC)	944.35(3)(b)(2)	3	DOC employee cannot have consensual sex with inmate.
Sexual Misconduct (DOJJ)	985.701	2	Fondling or having sex with detainee.
Sexual Misconduct (DCF)	393.135 , 394.4593 , 916.1075	2F 2F 2F	DCF employees cannot fondle, masturbate in front of or have sex with clients. This includes employees and others providing services at state mental hospitals.
Sexual Misconduct (detention facility)	951.221	3F	Any employee of a county or municipal detention facility or of a private detention facility under contract with a county commission who engages in sexual misconduct , as defined in s. 944.35(3)(b)1. , with an inmate or an offender supervised by the facility without committing the crime of sexual battery.
Sexual Battery LEO	794.011(4)(g)	1	Law enforcement, probation officer etc... who has sex with someone under their authority.

Sexual Misconduct Psychotherapist	491.011(2)	3 or 2	Therapist who has sex with patient.
Controlled Phone Calls	934.03(2)(c)		Authorization to monitor phone calls from victim to defendant.
Admissibility of confession without a corpus.	92.565		Procedure to admitting confession when victim was either drugged or too young to remember sexual assault.
Criminal Transmission of HIV	775.0877	3	Defendant convicted of enumerated offense must submit to HIV testing. Results given to defendant, victim and DOH. If he gets convicted again, it is a third degree felony.
HIV Testing	960.003		If defendant is charged with offense involving transmission of bodily fluids, victim or guardian can require testing. Results given only to victim, defendant, and DOH. Results not admissible in criminal matter.
Criminal Transmission of HIV	796.08	3	If defendant commits prostitution or procures one for prostitution when she knows that she has HIV, she commits a felony.
Criminal Transmission of HIV	384.24(2)	3	Defendant had sexual intercourse with victim without telling him or her that he had HIV virus.
Sex Trafficking	796.035	1	Parent or guardian sells or transfers custody of that minor into prostitution.
Sex Trafficking	796.045	2	Buying a minor from a parent or guardian for prostitution. 1F if child is under 14 or dies.