

## **“Statutory Rape”: Sex between Young Teens and Older Individuals**

### **Headline**

Among young people ages 15 to 24 in 2002, 13 percent of females and 5 percent of males reported that their first sexual experience occurred at age 15 or younger with an individual who was three or more years older (“statutory rape”). ([See Figure 1](#))

### **Importance**

Sexual relationships between young teens and older individuals are associated with risky sexual behaviors that could lead to unintended pregnancy and childbearing, as well as to sexually transmitted infections. Among sexually experienced teens, having sex with someone who is older has been associated with reduced and inconsistent use of contraception,<sup>1,2,3</sup> including reduced use of condoms,<sup>4</sup> and a greater risk of a teen pregnancy.<sup>5</sup> In fact, more than one in four children born to mothers between the ages of 15 and 17 were fathered by someone five or more years older.<sup>6</sup> Additionally, engaging in sexual intercourse at an early age is associated with a number of negative consequences, including having a greater number of sexual partners, reduced contraceptive use, and a greater likelihood of having a teenage birth.<sup>7</sup>

### **Trends**

The percentage of young female teens having sex at age 15 or younger with an older male remained relatively stable between 1995 (14 percent) and 2002 (13 percent), the only years for which data are available. Comparable trend data are not available for male teens. ([See Table 1](#))

### **Differences by Race/Ethnicity and Gender**

Among both males and females in 2002, non-Hispanic white teens (3 percent of males and 11 percent of females) were less likely than non-Hispanic black teens (8 percent of males and 16 percent of females) and Hispanic teens (10 percent of males and 17 percent of females) to report a “statutory rape” as their first sexual experience. ([See Figure 2](#))

### **Differences by Family Structure and Gender**

Among males in 2002, those who lived with two biological or adoptive parents at age 14 were less likely than males who live with a single parent or in an ‘other’ family structure<sup>8</sup> to report a “statutory rape” (3 percent versus 7 percent and 13 percent, respectively). Males in this “other” family structure (13 percent) were also more likely than males who grew up with one biological parent and an adoptive or step parent (4 percent) to report their first sexual experience occurred at age 15 or younger with someone three or more years older. ([See Figure 3](#))

Among females in 2002, those who lived with two biological or adoptive parents at age 14 were less likely than females who lived in any other family structure to report a “statutory rape” first sexual experience (10 percent). In addition, “statutory rape” experiences were less common among females who lived with one biological and an adoptive or step parent (17 percent) and those who lived with a single biological parent (18 percent), compared with those who lived in an “other” family situation (27 percent). ([See Figure 3](#))

### **Differences by Parental Education and Gender**

In 2002, males whose parents have less than a high school education (10 percent) were more likely to have had a “statutory rape” first sexual experience than were males whose parents have a high school diploma or GED (5 percent), have received some college education (4 percent) or have a college degree (3 percent). ([See Figure 4](#))

Among females, having college-educated parents is associated with a lower likelihood of “statutory rape” than is having less educated parents. In 2002, females whose parents had a college degree or higher (7 percent) were less likely to report their first sexual experience was “statutory rape” than those whose parents received some college education (14 percent), have a high school diploma or GED (18 percent), or have less than a high school degree (17 percent). ([See Figure 4](#))

### **Differences by Age and Gender**

Among those ages 15 or younger at first sex, the youngest sexually experienced teens are most likely to report their sexual experience as “statutory rape.” ([See Table 2](#)) Males age 13 or younger at first sex are more likely than males age 14 at first sex and males age 15 at first sex to have reported this experience as “statutory rape” (27 percent versus 16 percent and 12 percent, respectively). Females age 13 or younger at first sex are more likely to have experienced “statutory rape” than females age 14 at first sex and age 15 at first sex (65 percent versus 53 percent and 41 percent, respectively). ([See Figure 5](#))

### **State and Local Estimates**

None available

### **International Estimates**

None available

### **National Goals**

Although *Healthy People 2010* does not specifically address sex between young teens and older individuals, two objectives are set that would indirectly lower the percentage of teens who experience a “statutory rape” first sexual experience. These objectives include

reducing the percentage of teenagers who are sexually experienced before age 15 as well as the percentage of teenagers ages 15 to 17 who have ever had sexual intercourse.<sup>9</sup>

More information is available at:

<http://www.health.gov/healthypeople/document/html/objectives/09-08.htm>

(See objectives 9-8 and 9-9)

### **Definition**

For this indicator, “statutory rape” is defined as heterosexual first sexual intercourse among young teens (ages 15 or younger) that occurred with someone three or more years older. Analyses were conducted on 15- to 24-year-old males and females in the National Survey of Family Growth (NSFG), with retrospective information on respondents’ age of first sexual intercourse and the age of their first sexual partner.

Each state has its own legal definition of when having sexual relations with a minor is considered illegal; however, only five states specifically use the term “statutory rape.”<sup>10</sup> Individual states set a minimum age when individuals can consent legally to sexual intercourse, regardless of the age of the individual with whom they are having sex. The minimum age of consent is 16 for 34 states.<sup>11</sup> Thirty-eight states and the District of Columbia also include language about age differences, the minimum age of the minor, and/or the minimum age of the defendant (in cases of prosecution). Those states that include age differential requirements most often set these at a two-to-five-year age difference.<sup>12</sup> Therefore, for the purpose of these analyses, “statutory rape” is defined as sexual intercourse between a teen age 15 or younger and an older individual as someone who was three or more years older.

### **Data Source**

Data for 1995 and 2002: Child Trends’ original analyses of the National Survey of Family Growth.

### **Raw Data Source**

National Survey of Family Growth 1995 and 2002

<http://www.cdc.gov/nchs/nsfg.htm>

### **Approximate Date of Next Update**

Unknown

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<sup>1</sup> Ford, K., Sohn, W., and Lepkowski, J. “Characteristics of adolescents' sexual partners and their association with use of condoms and other contraceptive methods.” *Family Planning Perspectives*, 33(3): 100-105, 132. Available at: <http://www.guttmacher.org/pubs/journals/3310001.pdf>

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<sup>2</sup> Manlove, J., Ryan, S., and Franzetta, K. "Patterns of contraceptive use within teenagers' first sexual relationships." *Perspectives on Sexual and Reproductive Health*, 2003, 35(6): 246-255. Available at: <http://www.guttmacher.org/pubs/journals/3524603.pdf>

<sup>3</sup> Glei, D.A. (1999). "Measuring contraceptive use patterns among teenage and adult women." *Family Planning Perspectives*, 31(2): 73-80. Available at: <http://www.guttmacher.org/pubs/journals/3107399.pdf>

<sup>4</sup> DiClemente, R., Wingood, G., Crosby, R., Sionean, C., Cobb, B., Harrington, K., et al. "Sexual risk behaviors associated with having older sex partners: A study of black adolescent females." *Sexually Transmitted Diseases*, 29(1): 20-24.

<sup>5</sup> Darroch, J.E., Landry, D.J., and Oslak, S. (1999). "Age differences between sexual partners in the united states." *Family Planning Perspectives*, 31(4): 160-167. Available at: <http://www.guttmacher.org/pubs/journals/3116099.pdf>

<sup>6</sup> Lindberg, L.D., Sonenstein, F.L., Ku, L., and Martinez, G. (1997). "Age differences between minors who give birth and their adult partners." *Family Planning Perspectives*, 29(2): 61-66. Available at: <http://www.guttmacher.org/pubs/journals/2906197.pdf>

<sup>7</sup> Manlove, J., Papillo, A.R., and Ikramullah, E. (2004). *Not yet: Programs to delay first sex among teens*. Washington, DC: National Campaign to Prevent Teen Pregnancy. Available at: <http://www.teenpregnancy.org/works/pdf/NotYet.pdf>

<sup>8</sup> 'Other' family structures could include a single biological parent and a cohabiting partner, a single biological parent living with the teen's grandparents, or living with neither biological parent.

<sup>9</sup> U.S. Department of Health and Human Services. (November 2000). *Healthy people 2010. 2nd ed. With understanding and improving health and objectives for improving health*. U.S. Government Printing Office. Retrieved, October 2005, from the World Wide Web:

<http://www.health.gov/healthypeople/document/html/objectives/09-08.htm> (Goals 9-8 & 9-9)

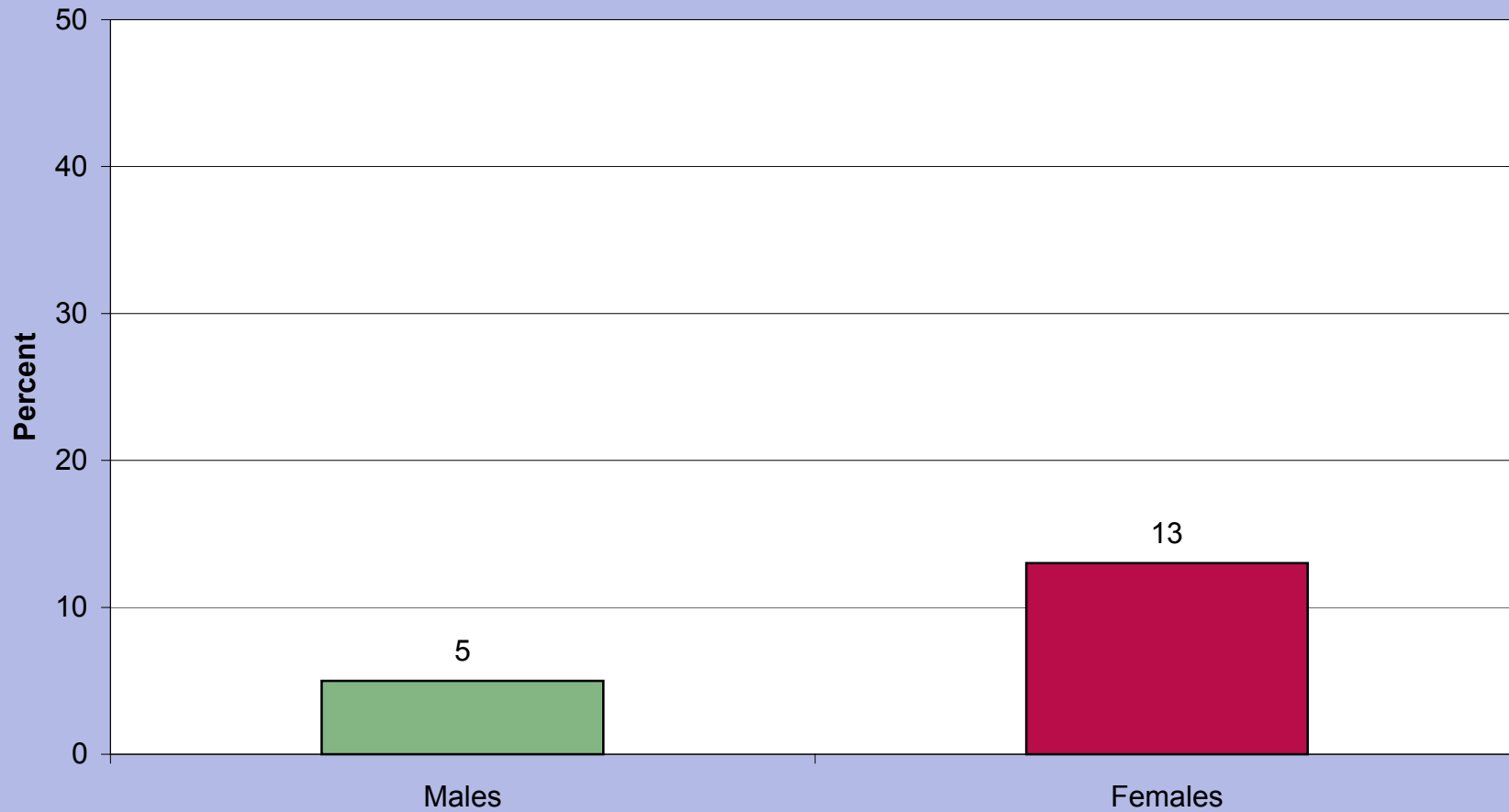
<sup>10</sup> Glosser, A., Gardiner, K., and Fishman, M. (2004). *Statutory rape: A guide to state laws and reporting requirements.* (325695), The Lewin Group. Available at: <http://www.lewin.com/NR/rdonlyres/e3d7lvkcstaiyubdifbbbr7azimi4of52xm5bld7kppnaewt3cmjv6oc4ox4oyrp7772tvp6qyhrg/3068.pdf>

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

Figure 1

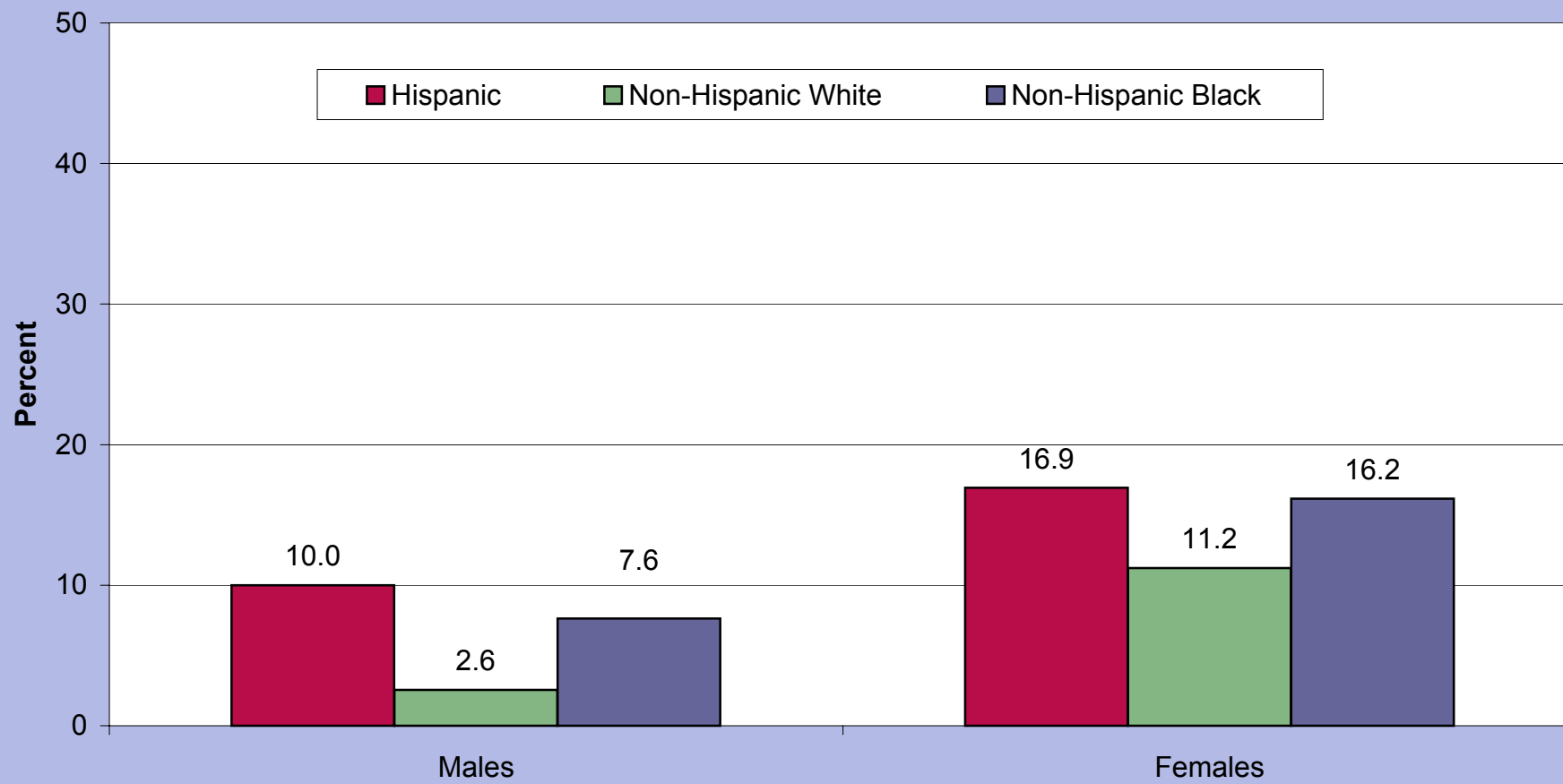
### Percentage of Males and Females Ages 15 to 24 Whose First Sexual Experience Occurred at Age 15 or Younger with an Individual 3+ Years Older, 2002



Source: Child Trends' analyses of the 2002 National Survey of Family Growth

Figure 2

### Percentage of Males and Females Ages 15 to 24 Whose First Sexual Experience Occurred at Age 15 or Younger with an Individual 3+ Years Older, by Gender and Race/Ethnicity, 2002

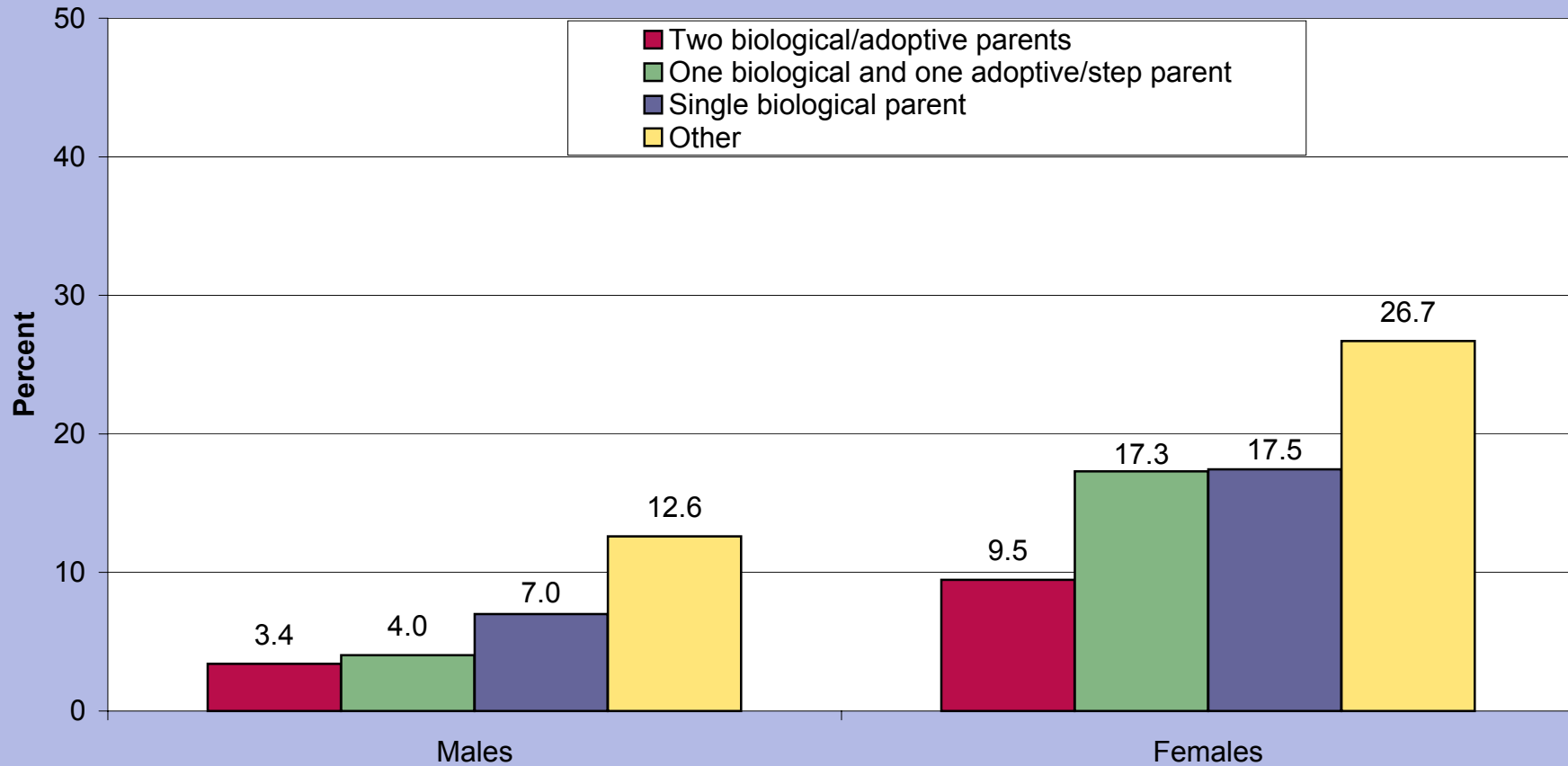


Source: Child Trends' analyses of the 2002 National Survey of Family Growth



Figure 3

### Percentage of Males and Females Ages 15 to 24 Whose First Sexual Experience Occurred at Age 15 or Younger with an Individual 3+ Years Older, by Gender and Family Structure\*, 2002

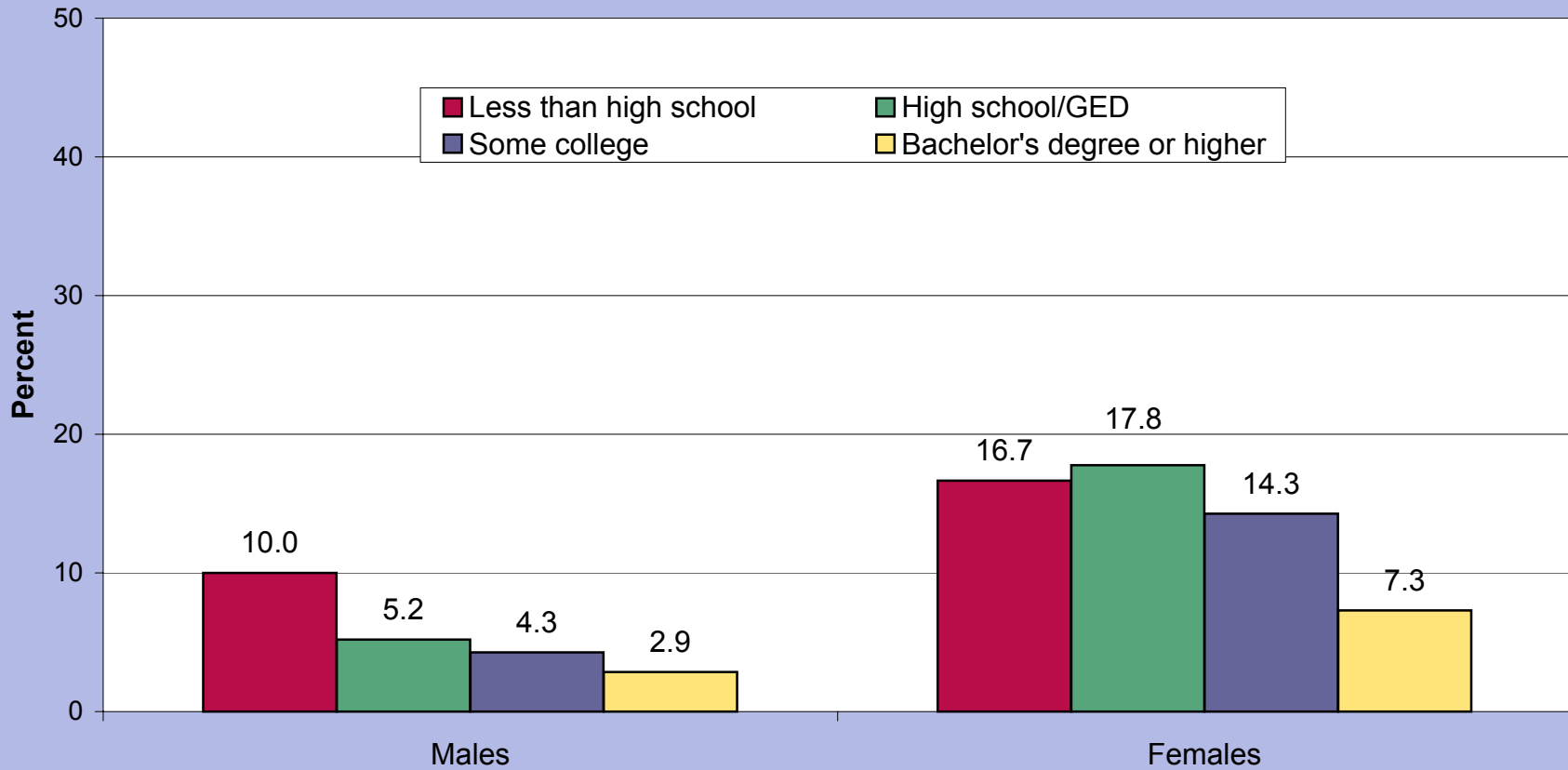


Source: Child Trends' analyses of the 2002 National Survey of Family Growth

\*'Other' family structures could include a single biological parent and a cohabiting partner, a single biological parent living with the teen's grandparents, or living with neither biological parent.

Figure 4

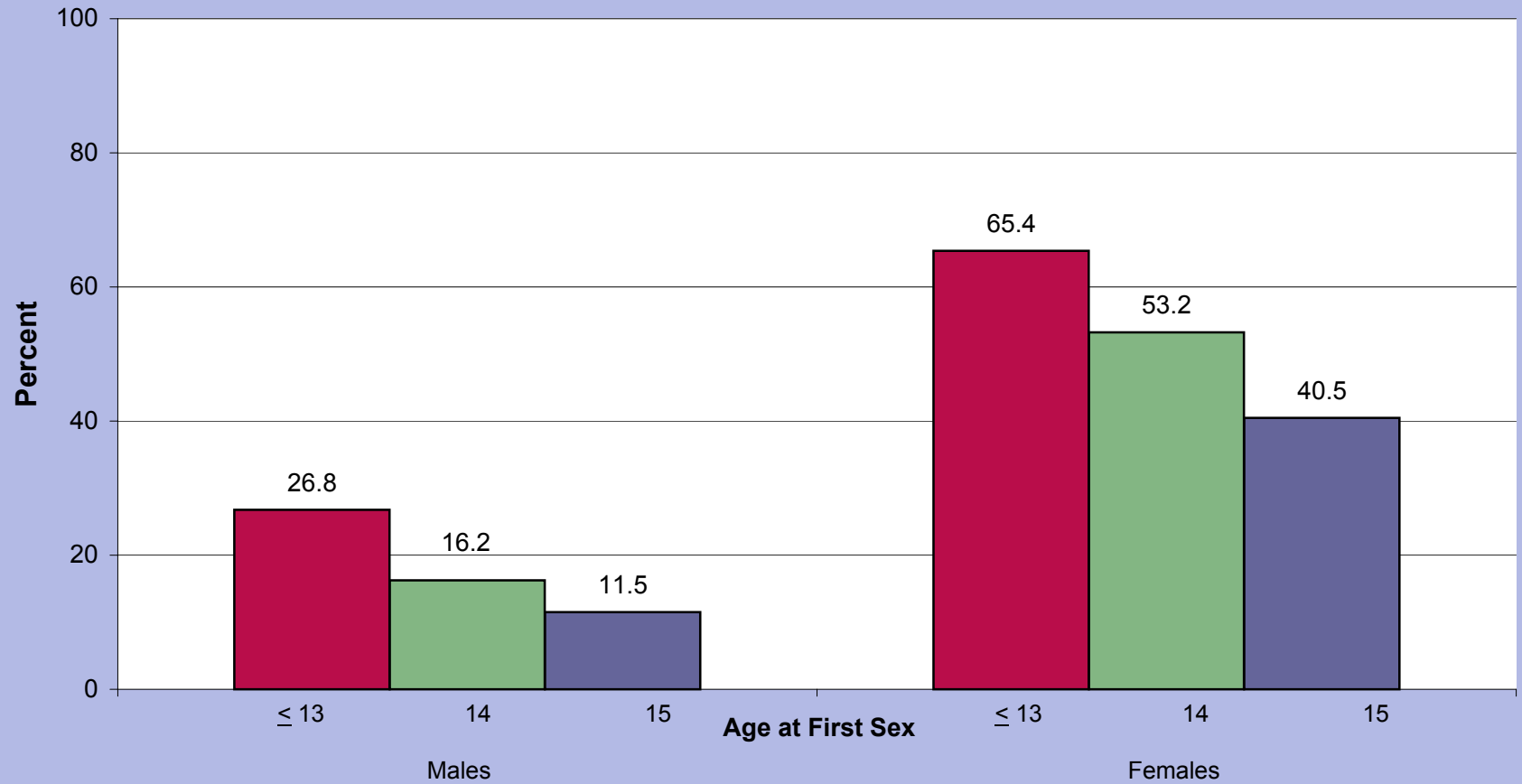
### Percentage of Males and Females Aged 15 to 24 Whose First Sexual Experience Occurred at Age 15 or Younger with an Individual 3+ Years Older, by Gender and Parent Education, 2002



Source: Child Trends' analyses of the 2002 National Survey of Family Growth

Figure 5

### Percentage of Males and Females Ages 15 to 24 Whose First Sexual Experience Occurred at Age 15 or Younger with an Individual 3+ Years Older, by Gender and Age at First Sex, 2002



Source: Child Trends' analyses of the 2002 National Survey of Family Growth

Table 1

| <b>Percentage of Males and Females Ages 15 to 24 Whose First Sexual Experience Occurred at Age 15 or Younger with an Individual 3+ Years Older, by Gender, 1995-2002</b> |             |             |
|--|-------------|-------------|
|  | <b>1995</b> | <b>2002</b> |
| <b>Males</b>   | -           | 4.6         |
| Race/ethnicity   |             |             |
| Hispanic   | -           | 10.0        |
| Non-Hispanic White   | -           | 2.6         |
| Non-Hispanic Black   | -           | 7.6         |
| Non-Hispanic Other   | -           | 2.4         |
| Foreign-born   |             |             |
| Yes  | -           | 8.2         |
| No   | -           | 4.1         |
| Family structure (at age 14)   |             |             |
| Two biological/adoptive parents  | -           | 3.4         |
| One biological and one adoptive/step parent  | -           | 4.0         |
| Single biological parent   | -           | 7.0         |
| Other  | -           | 12.6        |
| Parent educational attainment  |             |             |
| Less than high school  | -           | 10.0        |
| High school/GED  | -           | 5.2         |
| Some college   | -           | 4.3         |
| Bachelor's degree or higher  | -           | 2.9         |
| Mother's age at first birth  |             |             |
| Teen mother  | -           | 8.4         |
| Not a teen mother  | -           | 3.1         |
| <b>Females</b>   | 14.4        | 12.9        |
| Race/ethnicity   |             |             |
| Hispanic   | 19.5        | 16.9        |
| Non-Hispanic White   | 12.3        | 11.2        |
| Non-Hispanic Black   | 20.9        | 16.2        |
| Non-Hispanic Other   | 9.0         | 11.6        |
| Foreign-born   |             |             |
| Yes  | 8.8         | 10.7        |
| No   | 14.3        | 13.2        |
| Family structure (at age 14)   |             |             |
| Two biological/adoptive parents  | 8.8         | 9.5         |
| One biological and one adoptive/step parent  | 17.1        | 17.3        |
| Single biological parent   | 24.9        | 17.5        |
| Other  | 21.5        | 26.7        |
| Parent educational attainment  |             |             |
| Less than high school  | 19.9        | 16.7        |
| High school/GED  | 14.4        | 17.8        |
| Some college   | 14.3        | 14.3        |
| Bachelor's degree or higher  | 9.2         | 7.3         |
| Mother's age at first birth  |             |             |
| Teen mother  | 18.7        | 18.6        |
| Not a teen mother  | 10.2        | 10.2        |

Source: Child Trends' analyses of the 2002 National Survey of Family Growth

Table 2

**Percentage of Males and Females Ages 15 to 24 Whose First Sexual Experience Occurred at Age 15 or Younger with an Individual 3+Years Older, by Gender and Age at First Sex, 2002**

|                  | 1995 | 2002 |
|------------------|------|------|
| <b>Males</b>     |      |      |
| Age at First Sex |      |      |
| 13 or younger    | -    | 26.8 |
| 14               | -    | 16.2 |
| 15               | -    | 11.5 |
| <b>Females</b>   |      |      |
| Age at First Sex |      |      |
| 13 or younger    | 66.9 | 65.4 |
| 14               | 47.0 | 53.2 |
| 15               | 35.9 | 40.5 |

Source: Child Trends' analyses of the 2002 National Survey of Family Growth

