

**MILLVILLE CITY CODE  
TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE  
CHAPTER 9.16 - OFFENSES AGAINST THE PERSON**

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**9.16.010: ASSAULT**

A. Assault is:

1. An attempt, with unlawful force or violence, to do bodily injury to another;
2. A threat, accompanied by a show of immediate force or violence, to do bodily injury to another.

B. Assault is a class B misdemeanor except where it is committed in a fight or scuffle entered by mutual consent and no serious bodily injury results, in which case it is a class C misdemeanor. (Ord. 2000-10 § 2: prior code § 13-512)

### **9.16.020: HARASSMENT**

- A. A person is guilty of harassment if, with intent to frighten or harass another, he or she communicates a threat, by written or recorded or electronic transmission, to commit any violent felony.
- B. Harassment is a class B misdemeanor. (Ord. 2000-10 § 2)

### **9.16.030: UNLAWFUL DETENTION**

- A. A person commits unlawful detention if he or she knowingly restrains another unlawfully so as to interfere substantially with his or her liberty.
- B. Unlawful detention is a class B misdemeanor. (Prior code § 13-534)

### **9.16.040: SEXUAL OFFENSES**

- A. For purpose of this section "minor" is a person who is fourteen (14) years of age or older, but younger than sixteen (16) years of age, at the time the sexual activity described in this section occurred.
- B. A person commits unlawful sexual activity with a minor if, under circumstances not amounting to rape, object rape, forcible sodomy, or aggravated sexual assault, the actor:
  - 1. Has sexual intercourse with the minor;
  - 2. Engages in any sexual act with the minor involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or
  - 3. Causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, human body, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant.
- C. A violation of subsection B of this section is a class B misdemeanor if the defendant establishes by a preponderance of the evidence the mitigating factor that the defendant

is less than four (4) years older than the minor at the time the sexual activity occurred.  
(Ord. 2000-10 § 2)

### **9.16.050: SODOMY**

- A. A person commits sodomy when he or she engages in any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.
- B. Sodomy is a class B misdemeanor. (Prior code § 13-543)

### **9.16.060: MARRIED PERSONS CONDUCT EXEMPT; LIMITATIONS OF ACTIONS: "PENETRATION" OR "TOUCHING" SUFFICIENT TO CONSTITUTE OFFENSE**

- A. The provisions of this chapter shall not apply to conduct between persons married to each other.
- B. No prosecution may be instituted or maintained under this chapter unless the alleged offense was brought to the notice of public authority:
  - 1. Within the applicable statutes of limitation of its occurrence; or
  - 2. Where the alleged victim was less than eighteen (18) years of age or otherwise incompetent to make complaint, within the applicable statutes of limitation after a parent, guardian, or other competent person specifically interested in the victim, other than the alleged offender, learned of the offense.
- C. In any prosecution for unlawful sexual intercourse, or sodomy, any sexual penetration or, in the case of sodomy, any touching, however slight, is sufficient to constitute the offense. (Ord.2000-10 § 2: prior code § 13-547)