

S. F. No. 67.

CHAPTER 72.

Rape:
amendment.

An act to amend section 235 of the Penal Code of the State of Minnesota relating to the crime of rape, the same being section 6523 of the Statutes of Minnesota of the year 1894.

Be it enacted by the Legislature of the State of Minnesota:

Sec. 235 Penal
Code amend-
ed.

SECTION 1. That section 235 of the Penal Code of the State of Minnesota relating to the crime of rape, be amended so as to read as follows:

Rape defined;
age of consent
raised to 16
years in cer-
tain cases.

Sec. 235. Rape is an act of sexual intercourse with a female not the wife of the perpetrator, committed against her will or without her consent. A person perpetrating such an act of sexual intercourse with a female of the age of sixteen years or upwards, not his wife—

First—When through idiocy, imbecility, or any unsoundness of mind, either temporary or permanent, she is incapable of giving consent; or,

Second—When her resistance is forcibly overcome; or,

Third—When her resistance is prevented by fear of immediate and great bodily harm which she has reasonable cause to believe will be inflicted upon her; or,

Fourth—When her resistance is prevented by stupor or by weakness of mind produced by an intoxicating narcotic or anaesthetic agent administered by or with the privity of the defendant; or,

Fifth—When she is at the time unconscious of the nature of the act, and this is known to the defendant, is punishable by imprisonment in the state prison for not less than five nor more than thirty years.

SEC. 2. This act shall take effect and be in force from and after its passage, *provided* the provisions of this act shall not apply to offenses committed before this act takes effect, and as to all such offenses the law in force at the time they were committed shall continue and remain in full force the same as if this act had not been passed.

Approved March 20, 1899.