

28 child, object rape, attempted object rape, object rape of a child, attempted object rape of a  
 29 child, sodomy, attempted sodomy, forcible sodomy, attempted forcible sodomy, sodomy on a  
 30 child, attempted sodomy on a child, forcible sexual abuse, attempted forcible sexual abuse,  
 31 sexual abuse of a child, attempted sexual abuse of a child, aggravated sexual abuse of a child,  
 32 attempted aggravated sexual abuse of a child, or simple sexual abuse is without consent of the  
 33 victim under any of the following circumstances:

34 (1) the victim expresses lack of consent through words or conduct;

35 (2) the actor overcomes the victim through the actual application of physical force or  
 36 violence;

37 (3) the actor is able to overcome the victim through concealment or by the element of  
 38 surprise;

39 (4) (a) (i) the actor coerces the victim to submit by threatening to retaliate in the  
 40 immediate future against the victim or any other person, and the victim perceives at the time  
 41 that the actor has the ability to execute this threat; or

42 (ii) the actor coerces the victim to submit by threatening to retaliate in the future  
 43 against the victim or any other person, and the victim believes at the time that the actor has the  
 44 ability to execute this threat;

45 (b) as used in this Subsection (4), "to retaliate" includes threats of physical force,  
 46 kidnapping, or extortion;

47 (5) the actor knows the victim is unconscious, unaware that the act is occurring, or  
 48 physically unable to resist;

49 (6) the actor knows ~~§→ [that as a result of mental disease or defect, or for any other reason,~~  
 50 ~~the victim is at the time of the act] or reasonably should know that the victim has a mental~~  
 50a ~~disease or defect, which renders the victim unable to ←§ :~~

51 (a) ~~§→ [incapable [either] of appraising] appraise ←§~~ the nature of the act [or];

52 (b) ~~§→ [incapable of resisting] resist ←§~~ [it] the act; ~~§→ [or] ←§~~

53 (c) ~~§→ [incapable of understanding the] understand the possible ←§ consequences §→ [~~  
 53a ~~of the act;] to the victim's health or safety; or~~

53b ~~(d) appraise the nature of the relationship between the actor and the victim. ←§~~

54 (7) the actor knows that the victim submits or participates because the victim  
 55 erroneously believes that the actor is the victim's spouse;

56 (8) the actor intentionally impaired the power of the victim to appraise or control his or  
 57 her conduct by administering any substance without the victim's knowledge;

58 (9) the victim is younger than 14 years of age;