

3 Types of Marital Rape

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Drug Crimes

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The recognition of marital rape and the treatment of it by the state legislatures and courts throughout the US has grown immensely over just recent years. The state criminal justice systems throughout the country have advanced from the widespread belief only twenty years ago that a husband could not be viewed as guilty under the law for forcing sexual intercourse with his wife. Today, the law in many states breaks down marital rape crimes into the various types discussed below.

What is Marital Rape?

A man commits marital rape if he engages in sexual intercourse with a woman who is his wife and over age 16 under one of these circumstances:

- Against his wife's will and without her consent.
- With her consent, but after having obtained the consent by causing her to fear her own death or harm or the death or harm of another person due to her husband, the perpetrator.
- When her consent is during intoxication or other circumstances of unsound mind, or if her husband has administered a mind-altering substance to her and she is rendered incapable of comprehending the nature of the actions she is permitting and the consequences of the actions.

Force-Only Rape

This form of rape involves exerting power and control over the victim. In a force-only rape incident, the husband uses the level of physical force necessary to succeed in raping the victim. The attacks typically occur after the wife refuses to engage in sexual intercourse. Force-only rape attacks more commonly happen in marriages in which there are not many other occurrences of intimate partner violence (IPV) and most of the heated arguments are regarding sex. Dominating and controlling the victim in sex is the central motivator in this kind of sex crime.

Battering Rape

Battering rape involves sexual and physical violence. In occurrences of this type of rape, the victim may be battered by her husband before or during the rape. The perpetrator uses more physical force than is necessary to overpower and rape the victim. Most reported marital rapes are battering rape crimes. Usually, battering rape happens in marriages where there is a lot of verbal abuse and physical battering. The rapist may often be angry, hostile to his wife, and may have an alcohol or drug abuse habit. Many other types of violence may be inflicted on the wife by the husband in this kind of marriage.

Obsessive/Sadistic Rape

Sadistic or obsessive rape in a marriage involves the husband torturing his wife and committing acts of sexual perversion against her. The attacks include forced bizarre sexual acts and are frequently physically violent. Obsessive rape involves the husband acting on bizarre sexual obsessions in which he forces his wife to perform deviant and/or painful sexual acts. The husband may have extreme pornography consumption habits and fetishes.

Most Common Type of Marital Rape

Battering rape is the most common form of marital rape in the United States. Almost half of all reported marital rape crimes are classified as battering rapes. The second most frequent kind of marital rape is force-only rape. However, the percentages of battering rape are likely to be skewed by the apparent comparatively extreme underreporting of instances of force-only and obsessive rape in marriages, according to the estimates of researchers on the frequency of these crimes.

Penalties for Marital Rape in Utah

Rape is a First Degree Felony in Utah. It's punishable by a sentence from 5 years to life in prison. The penalty is enhanced to a minimum of 15 years if the perpetrator inflicted severe bodily injury on the victim or had prior convictions for sex crimes. The sentence is enhanced to life without parole if the perpetrator has a previous record of a more serious sex crime.

What To Do if You Are Charged with Marital Rape

Being convicted on a charge of marital rape in Utah will cause you to have a criminal record for a violent sex crime. That means you may receive a lengthy prison sentence, a huge fine, and be required to have your personal information entered into the Utah sex offender registry.

So, if you are arrested for a violation of marital rape law, you will need the best sex crime attorney Salt Lake City UT has available to you. Your criminal defense attorney will help ensure that all of your rights are protected throughout the criminal case processing. Your lawyer will build the strongest possible case for your defense and fight for your freedom in court.

Why Choose Wasatch Defense Lawyers?

A conviction for marital rape can impact your ability to work in your desired field, or live in the neighborhood you prefer, among other severe restrictions and other effects on your future. Our team will start working immediately to have charges dropped or reduced, prevent your conviction, and keep you from being added to the Utah sex offender registry.

If you have been accused of marital rape, call Wasatch Defense Lawyers at (801) 845-3427, or contact us here online to schedule a free legal consultation.
