

**California Penal § 261.5. Unlawful sexual intercourse with person under 18; age of perpetrator; civil penalties**

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a **“minor” is a person under the age of 18 years** and an “adult” is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor **who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.**

(c) Any person who engages in an act of unlawful sexual intercourse with a minor **who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony,** and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison.

(d) **Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony,** and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison for two, three, or four years.