

(1) BY FORCE OR THREAT OF FORCE AGAINST THE WILL AND WITHOUT THE CONSENT OF THE OTHER PERSON; OR

(2) AND IF THE PERSON KNOWS OR SHOULD KNOW THE OTHER PERSON IS MENTALLY DEFECTIVE, MENTALLY INCAPACITATED, OR PHYSICALLY HELPLESS[.]]; OR

(3) UNDER 14 YEARS OF AGE WHICH AGE THE PERSON PERFORMING THE SEXUAL ACT KNOWS OR SHOULD KNOW, AND THE PERSON PERFORMING THE SEXUAL ACT IS 4 OR MORE YEARS OLDER THAN THE OTHER PERSON.

(B) THE COMMISSION OF A SEXUAL OFFENSE IN THE SECOND DEGREE IS A FELONY PUNISHABLE BY IMPRISONMENT UP TO 20 YEARS.

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(A) A PERSON IS GUILTY OF A SEXUAL OFFENSE IN THE THIRD DEGREE IF THE PERSON ENGAGES IN SEXUAL CONTACT [[EITHER]]:

(1) WITH ANOTHER PERSON AGAINST THE WILL AND WITHOUT THE CONSENT OF THE OTHER PERSON AND:

(I) EMPLOYS OR DISPLAYS A DANGEROUS OR DEADLY WEAPON OR AN ARTICLE WHICH THE OTHER PERSON REASONABLY CONCLUDES IS A DANGEROUS OR DEADLY WEAPON; OR

[[(II) INFLECTS SERIOUS PERSONAL PHYSICAL INJURY UPON ANYONE ELSE OR UPON THE VICTIM IN THE COURSE OF COMMITTING THE ACT; OR]]

(II) INFLECTS SEVERE PAIN, SUFFOCATION, STRANGULATION, OR SERIOUS PHYSICAL INJURY UPON THE OTHER PERSON OR UPON ANYONE ELSE IN THE COURSE OF COMMITTING THE OFFENSE; OR

(III) THREATENS OR PLACES THE VICTIM IN FEAR THAT ANY PERSON IMMINENTLY WILL BE SUBJECTED TO DEATH, [[SERIOUS PERSONAL PHYSICAL INJURY]] SEVERE PAIN, SUFFOCATION, STRANGULATION, SERIOUS PHYSICAL INJURY, OR KIDNAPPING; OR

(IV) COMMITS THE OFFENSE [[IN CONJUNCTION WITH OR]] AIDED AND ABETTED BY ONE OR MORE OTHER PERSONS; [[OR]]

(2) WITH ANOTHER PERSON WHO IS [[LESS THAN 14]] 12 YEARS OLD OR UNDER AND THE PERSON PERFORMING THE SEXUAL CONTACT IS FOUR OR MORE YEARS OLDER THAN THE OTHER PERSON; OR

[[(3) IF THE OTHER PERSON IS MENTALLY DEFECTIVE, MENTALLY INCAPACITATED, OR PHYSICALLY HELPLESS.]]

[[(B) A PERSON IS NOT GUILTY OF A SEXUAL OFFENSE IN