

FBI Changes Rape Definition: Florida Rape Attorneys Explain Ramifications

For the first time since 1920, the FBI has updated its definition of rape in a move hailed by feminists, rape crisis centers, police, victim's rights advocates, and Florida rape lawyers.

The old definition of rape was the vague "carnal knowledge of a female forcibly and against her will." The new definition is far more in line with current understanding about the nature of rape: it defines rape as the penetration of a person, regardless of gender, without the person's consent. The new definition is in line with definitions used by the Center for Disease Control, Justice Department, states and other groups that study and prosecute rape.

The new definition will not affect the legal situation [Florida rape lawyers](#), and their clients face. But the change has various other ramifications, including on rape statistics. Millions more survivors of rape may be counted by the FBI now. Specifically, people who were too scared to resist, unconscious, or [too intoxicated to meaningfully consent](#) will now count as rape survivors, according to the FBI. In addition, people who were penetrated with objects or forced to give someone oral sex will also count as rape survivors, as will many people who endured a [date rape](#). Finally, the FBI rape statistics will now count men who have been raped as bona fide rape survivors.

However, some victim's rights advocates argue that the current FBI definition does not go far enough. They state that an erection is not consent to sex and that if a man's penis is enveloped by a woman's vagina it ought also to count as rape, as opposed to being counted as a lesser crime such as sexual assault or simply left uncounted. Currently, in most statistics, the information about the number of people forcibly enveloped is either not counted or included in a separate "forced to penetrate" category. Most states do not consider forcible envelopment to be rape. However, others point out that acknowledging the existence of male rape survivors at all is a step forward for criminal justice.

The statistical consequences of the FBI's rape definition change may seem slight at first. However, at stake is tens of millions of dollars in federal and state aid that flow to survivors of sex crimes, the budgeting and distribution of which is often based on information from the FBI's uniform crime report. In addition, a more accurate view of how prevalent rape is will give victim's rights advocates and other stakeholders important data that can help them fight against rape.