

2019 -- H 5043

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL ASSAULT

Introduced By: Representatives Vella-Wilkinson, Williams, Morin, Millea, and O'Brien

Date Introduced: January 09, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-37-1 of the General Laws in Chapter 11-37 entitled "Sexual
2 Assault" is hereby amended to read as follows:

3 **11-37-1. Definitions.**

4 The following words and phrases, when used in this chapter, have the following
5 meanings:

6 (1) "Accused" means a person accused of a sexual assault.

7 (2) "Force or coercion" means when the accused does any of the following:

8 (i) Uses or threatens to use a weapon, or any article used or fashioned in a manner to lead
9 the victim to reasonably believe it to be a weapon.

10 (ii) Overcomes the victim through the application of physical force or physical violence.

11 (iii) Coerces the victim to submit by threatening to use force or violence on the victim
12 and the victim reasonably believes that the accused has the present ability to execute these threats.

13 (iv) Coerces the victim to submit by threatening to at some time in the future murder,
14 inflict serious bodily injury upon or kidnap the victim or any other person and the victim
15 reasonably believes that the accused has the ability to execute this threat.

16 (3) "Intimate parts" means the genital or anal areas, groin, inner thigh, or buttock of any
17 person or the breast of a female.

18 (4) "Mentally disabled" means a person who has a mental impairment which renders that
19 person incapable of appraising the nature of the act.

1 (5) "Mentally incapacitated" means a person who is rendered temporarily incapable of
2 appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or other
3 substance administered to that person without his or her consent, or who is mentally unable to
4 communicate unwillingness to engage in the act.

5 (6) "Physically helpless" means a person who is unconscious, asleep, or for any other
6 reason is physically unable to communicate unwillingness to an act.

7 (7) "Sexual contact" means the intentional touching of the victim's or accused's intimate
8 parts, or the victim's own body upon the accused's instruction, clothed or unclothed, if that
9 intentional touching can be reasonably construed as intended by the accused to be for the purpose
10 of sexual arousal, gratification, or assault.

11 (8) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, and anal
12 intercourse, or any other intrusion, however slight, by any part of a person's body or by any object
13 into the genital or anal openings of another person's body, or the victim's own body upon the
14 accused's instruction, but emission of semen is not required.

15 (9) "Spouse" means a person married to the accused at the time of the alleged sexual
16 assault, except that such persons shall not be considered the spouse if the couple are living apart
17 and a decision for divorce has been granted, whether or not a final decree has been entered.

18 (10) "Victim" means the person alleging to have been subjected to sexual assault.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would amend the definition of sexual contact in § 11-37-1 to include the
2 intentional touching of the victim's own body at the accused's instruction.

3 This act would take effect upon passage.

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