

2020 -- H 7726

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LC003905
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL ASSAULTS

Introduced By: Representatives Marszalkowski, Caldwell, Casimiro, and Shanley

Date Introduced: February 26, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-37-6 of the General Laws in Chapter 11-37 entitled "Sexual
2 Assault" is hereby amended to read as follows:

3 **11-37-6. Third degree sexual assault.**

4 (a) Definitions. For purposes of this chapter, "position of authority" means and includes,
5 but is not limited to, any person who is acting in the place of a parent and charged with any of a
6 parent's rights, duties or responsibilities to a person under the age of eighteen (18) years, or a
7 person who is charged with any duty or responsibility for the health, welfare, or supervision of a
8 person under the age of eighteen (18) years, either independently or through another, no matter
9 how brief, at the time of the act.

10 (b) A person is guilty of third degree sexual assault if:

11 (1) he He or she is over the age of eighteen (18) years and engaged in sexual penetration
12 with another person over the age of fourteen (14) years and under the age of consent, sixteen (16)
13 years of age; or

14 (2) He or she is over the age of eighteen (18) years and engaged in sexual penetration or
15 sexual contact with another person over the age of fourteen (14) years and under the age of
16 eighteen (18) years, under circumstances whereby:

17 (i) The accused has supervisory or disciplinary power over the victim by virtue of the
18 accused's legal, professional or occupational status; or

19 (ii) The accused is otherwise acting in a position of authority with respect to the victim.

- 1 (iii) It shall not be a violation of subsection (b)(2) of this section if the parties are:
2 (A) Engaging in sexual penetration or contact consensually;
3 (B) Between the ages of sixteen (16) and twenty (20) years; and
4 (C) No more than thirty (30) months apart in age.
5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES -- SEXUAL ASSAULTS

1 This act would define any act of sexual penetration or contact perpetrated by an
2 individual with a position of authority upon a person over the age of fourteen (14) and under the
3 age of eighteen (18) as third degree sexual assault.

4 This act would take effect upon passage.

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