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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL ASSAULT

Introduced By: Senators Euer, McCaffrey, Goodwin, Gallo, Valverde, DiMario,
Sosnowski, Lawson, Cano, and Coyne

Date Introduced: April 23, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 **11-37-2. First degree sexual assault.**

4 A person is guilty of first degree sexual assault if he or she engages in sexual penetration
5 with another person, and if any of the following circumstances exist:

6 (1) The accused, ~~not being the spouse,~~ knows or has reason to know that the victim is
7 mentally incapacitated, mentally disabled, or physically helpless.

8 (2) The accused uses force or coercion.

9 (3) The accused, through concealment or by the element of surprise, is able to overcome
10 the victim.

11 (4) The accused engages in the medical treatment or examination of the victim for the
12 purpose of sexual arousal, gratification, or stimulation.

13 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 eliminate the marital sexual assault exception when a victim is
2 incapacitated, disabled, or helpless.

3 This act would take effect upon passage.

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