

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO CRIMINAL OFFENSES -- CUSTODIAL LAW ENFORCEMENT SEXUAL PENETRATION

Introduced By: Representatives Henriques, Morales, Giraldo, Cotter, Felix, Speakman, Stewart, Tanzi, Sanchez, and Alzate

Date Introduced: March 01, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 71

4 CUSTODIAL LAW ENFORCEMENT SEXUAL PENETRATION

5 **11-71-1. Definitions.**

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

7 (1) "Force or coercion" shall have the same meaning as in § 11-37-1.

8 (2) "Peace officer" shall have the same meaning as in § 12-7-21,

9 (3) "Sexual penetration" shall have the same meaning as in § 11-37-1.

10 **11-71-2. Custodial law enforcement sexual penetration prohibited.**

11 (a) A person is guilty of custodial law enforcement sexual penetration if he or she engages
12 in sexual penetration with another person; and

13 (1) He or she is a peace officer, and the victim has been seized, is detained, has been placed
14 in custody, has been placed under arrest, or is confined in a correctional or law enforcement facility
15 or vehicle; or

16 (2) He or she supervises the victim's parole, probation, or community confinement.

17 (b) A person convicted of a violation of this chapter shall be punished by imprisonment for
18 a period not to exceed three (3) years.

1 (c) A person convicted under this chapter shall not be subject to the provisions of chapter
2 37.1 of this title.

3 (d) It shall be an affirmative defense that the act of sexual penetration resulted from force
4 or coercion by the alleged victim or victims.

5 (e) Any sentence imposed under this chapter shall run concurrently with any other sentence
6 imposed for the same case.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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PENETRATION

1 This act would prohibit members of law enforcement from engaging in sexual penetration
2 with individuals in their custody. The act would also provide that a person convicted of custodial
3 law enforcement sexual penetration would face imprisonment for not more than three (3) years.

4 This act would take effect upon passage.

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