

2023 -- H 5896

LC002242

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL ASSAULT

Introduced By: Representatives Henries, Morales, Giraldo, Felix, Cruz, Potter, Stewart,  
Tanzi, Sanchez, and Speakman

Date Introduced: March 01, 2023

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 meanings:

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

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

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

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

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

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

15 (v) The accused is a peace officer as defined in § 12-7-21 and the victim is detained, in  
16 custody, under arrest, confined in a correctional or law enforcement facility, in a work release  
17 program, or on probation, parole or other form of conditional release and the peace officer:

18 (A) Is responsible for effecting the detention, custody, arrest, or confinement of the victim  
19 or maintaining the victim in custody, detention, arrest, confinement, or a work release program, or

1 knows or reasonably should know, that the victim is under such custody, detention, arrest,  
2 confinement, or in a work release program; or

3 (B) Has supervisory authority over the victim's probation, parole, or other form of  
4 conditional or supervised release; or

5 (C) Is not married to the victim and has the authority to influence the terms, conditions,  
6 length of or fact of probation, parole or other form of conditional or supervised release; and

7 (D) None of the circumstances set forth in §§ 11-37-2 or 11-37-4 exist.

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

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

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

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

18 (7) "Sexual contact" means the intentional touching of the victim's or accused's intimate  
19 parts, clothed or unclothed, if that intentional touching can be reasonably construed as intended by  
20 the accused to be for the purpose of sexual arousal, gratification, or assault.

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

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

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

29 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 further define coercion so as to include sexual assault by a member of law
- 2 enforcement who has the victim under arrest, in custody or detained or by any person who has
- 3 supervisory authority over the victim's parole, probation or home confinement.
- 4           This act would take effect upon passage.

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