

LC003515

IN GENERAL ASSEMBLY

RELATING TO CRIMINAL OFFENSES -- LAW ENFORCEMENT SEXUAL MISCONDUCT

Referred To: Senate Judiciary

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

LAW ENFORCEMENT SEXUAL MISCONDUCT

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

(4) “Sexual penetration” shall have the same meaning as in § 11-37-1.

(2) Engages in sexual penetration during the course of duty with another person who has been arrested, is detained, has been placed in custody, has been placed under arrest, is confined in a correctional or law enforcement facility or vehicle, and/or is the subject of an investigation or proceeding.

18 (b) A person convicted of a violation of this chapter shall be punished by imprisonment for
19 a period not to exceed five (5) years.

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

3 (d) Consent of the victim shall not be a defense to a prosecution under this section.

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

6 **11-71-3. Law enforcement sexual contact prohibited.**

7 (a) A person is guilty of law enforcement sexual contact if:

8 (1) He or she is a peace officer; and

9 (2) Engages in sexual contact during the course of duty with another person who has been
10 seized, is detained, has been placed in custody, has been placed under arrest, is confined in a
11 correctional or law enforcement facility or vehicle, and/or is the subject of an investigation or
12 questioning.

13 (b) A person convicted of a violation of this chapter shall be punished by imprisonment for
14 a period not to exceed eighteen (18) months.

15 (c) It shall be an affirmative defense that the act of sexual contact resulted from force or
16 coercion by the alleged victim or victims.

17 (d) Consent of the victim shall not be a defense to a prosecution under this section.

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- LAW ENFORCEMENT SEXUAL MISCONDUCT

- 1 This act would make sexual contact or penetration between any law enforcement officer
2 that is on duty and a person that is a detainee, arrestee, in custody or a suspect during questioning,
3 a felony.
4 This act would take effect upon passage.

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