

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH50285-LH-58C (01/20)

Short Title: Third Degree Rape.

(Public)

Sponsors: Representative Cotham.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE CRIMINAL OFFENSE OF THIRD DEGREE RAPE.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Article 7A of Chapter 14 of the General Statutes is amended by
5 adding a new section to read:

6 "§ 14-27.3A. Third degree rape.

7 (a) A person commits the offense of third degree rape if the person continues to engage
8 in the act of vaginal intercourse with another person after consent is withdrawn.

9 (b) A person who initially consents to vaginal intercourse is not deemed to have
10 consented to any penetration that occurs after the person withdraws consent during the course
11 of that vaginal intercourse. A person may withdraw consent to engage in vaginal intercourse
12 during the intercourse, even if any actual penetration is in progress or accomplished with
13 consent and even if there is only one act of vaginal intercourse. The withdrawal of consent
14 must be clearly communicated in a way that a reasonable person would understand to constitute
15 withdrawal of consent.

16 (c) A violation of this section is a Class E felony."

17 SECTION 2. This act becomes effective December 1, 2011, and applies to
18 offenses committed on or after that date.



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