

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 849

Short Title: Third Degree Rape. (Public)

Sponsors: Representatives Cotham, Harrison, Glazier, and Parfitt (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee B.

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIMINAL OFFENSE OF THIRD DEGREE RAPE.

The General Assembly of North Carolina enacts:

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

**"§ 14-27.3A. Third degree rape.**

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degree rape if the person continues to engage in the act of vaginal intercourse with another person after consent is withdrawn.

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

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

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

