

March 11, 2009

**S 527. AMEND SECOND DEGREE RAPE & SEXUAL OFFENSE.** Filed 3/11/09. *TO AMEND THE CRIMINAL OFFENSES OF SECOND DEGREE RAPE AND SECOND DEGREE SEXUAL OFFENSE TO MAKE IT UNLAWFUL FOR A PERSON IN A POSITION OF AUTHORITY TO ENGAGE IN A SEX OFFENSE WITH A VICTIM WHO IS UNDULY INFLUENCED BY THE PERSON IN A POSITION OF AUTHORITY.*

Amends GS 14-27.1 (definition section for Article 7A, Rape and Other Sex Offenses) to add a definition for *position of authority* to mean that position occupied by a parent, guardian, relative, household member, teacher, employer, custodian, or any other person who, by reason of his or her position, is able to exercise significant influence over a person. Amends GS 14-27.3 to provide that a person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person *over whom the offending person is in a position of authority and the offending person uses this position of authority to influence the other person to submit to the act.* Provides that consent is not a defense to this specific charge. Makes a clarifying change that a person who commits the offense is guilty of a Class C felony, *unless the conduct is covered under some other provision of law providing greater punishment.* Amends GS 14-27.5 to provide that a person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person *over whom the offending person is in a position of authority and the offending person uses this position of authority to influence the other person to submit to the act.* Provides that consent is not a defense to this specific charge. Makes a clarifying change that a person who commits the offense is guilty of a Class C felony, *unless the conduct is covered under some other provision of law providing greater punishment.* Effective for offenses committed on or after December 1, 2009.

**Intro. by Boseman.**

GS 14