

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

FILED SENATE
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S.B. 801
PRINCIPAL CLERK

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SENATE BILL DRS35352-MLa-190A

Short Title: Revoke Consent/Intercourse & Sexual Acts. (Public)

Sponsors: Senator J. Jackson (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON WHO CONTINUES TO ENGAGE IN INTERCOURSE OR A SEXUAL ACT AFTER CONSENT IS WITHDRAWN IS DEEMED TO HAVE COMMITTED THE ACT OF INTERCOURSE OR SEXUAL ACT BY FORCE AND AGAINST THE WILL OF THE OTHER PERSON AND TO INCREASE THE AMOUNT OF STATE FUNDS APPROPRIATED TO THE SEXUAL ASSAULT AND RAPE CRISIS CENTER FUND.

The General Assembly of North Carolina enacts:

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

"§ 14-27.37. Withdrawal of consent.

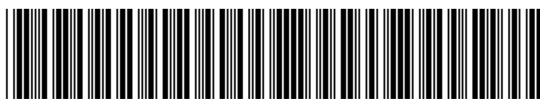
(a) Withdrawal of Consent. – A person who consents to vaginal intercourse or to a sexual act can withdraw that consent at any time during the course of that vaginal intercourse or sexual act. A defendant who continues the act of vaginal intercourse after consent is withdrawn is deemed to have committed the act of vaginal intercourse by force and against the will of the other person. A defendant who continues the sexual act after consent is withdrawn is deemed to have committed the sexual act by force and against the will of the other person.

(b) Form of Withdrawal. – A withdrawal of consent in accordance with subsection (a) of this section must be clearly communicated in a way that a person knows or should reasonably know consent has been withdrawn."

SECTION 2. Beginning in the 2018-2019 fiscal year, the amount of recurring funds appropriated from the General Fund to the Sexual Assault and Rape Crisis Center Fund established in G.S. 143B-480.20 is increased to the sum of three million dollars (\$3,000,000). The funds shall be distributed and used in accordance with the provisions of G.S. 143B-480.20.

SECTION 3. The provisions of G.S. 143C-5-2 do not apply to this act.

SECTION 4. Section 1 of this act becomes effective December 1, 2018, and applies to offenses committed on or after that date. Section 2 of this act becomes effective July 1, 2018. The remainder of this act is effective when it becomes law.



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