



HOUSE BILL 125: Threatened Weapon Inc. in First-Deg Rape.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	May 24, 2017
Introduced by:	Reps. Rogers, Duane Hall, Jackson, Destin Hall	Prepared by:	Augustus D. Willis Staff Attorney
Analysis of:	First Edition		

OVERVIEW: *House Bill 125 would expand the offense of first-degree forcible rape to include having vaginal intercourse with a person by force and against that person's will while threatening to use a dangerous or deadly weapon.*

CURRENT LAW: A person is guilty of first-degree forcible rape if the person has vaginal intercourse with a person by force and against that person's will, and does any of the following:

- 1) Employs or displays a dangerous or deadly weapon (or what reasonably appears to be a dangerous or deadly weapon).
- 2) Inflicts serious personal injury on the victim or another person.
- 3) Is aided and abetted by one or more other persons.

First-degree forcible rape under G.S. 14-27.21 is a Class B1 felony and requires mandatory registration as a sex offender. Assuming a person has no prior offenses, and there are no aggravating or mitigating factors, the presumptive minimum penalty for a B1 felony is 192-240 months imprisonment. A person with an extensive record of prior offenses, and where there are aggravating factors, could receive a sentence of life without parole.

BILL ANALYSIS: House Bill 125 would add threatening to use a dangerous or deadly weapon, while having vaginal intercourse with a person by force and against that person's will, as an additional way to meet the statutory elements to first-degree forcible rape.

EFFECTIVE DATE: The act would become effective December 1, 2017, and applies to offenses committed on or after that date.

BACKGROUND: House Bill 125 is a recommendation of the North Carolina Courts Commission.

Staff Attorney Jessica Sammons assisted substantially in the preparation of this bill summary.

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