



# HOUSE BILL 125: Threatened Weapon Included in First Degree Rape.

2017-2018 General Assembly

**Committee:**  
**Introduced by:**  
**Analysis of:** S.L. 2017-30

**Date:** August 16, 2017  
**Prepared by:** Augustus D. Willis  
Staff Attorney

**OVERVIEW:** *S.L. 2017-30 expands 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.*

*This act becomes effective December 1, 2017 and applies to offenses committed on or after that date.*

**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:** S.L. 2017-30 adds 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 becomes effective December 1, 2017, and applies to offenses committed on or after that date.

**BACKGROUND:** This act was s a recommendation of the North Carolina Courts Commission.

Karen Cochran-Brown  
Director



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Legislative Analysis  
Division  
919-733-2578