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ACLU OF RI POSITION: AMEND

TESTIMONY ON 22 – H 8230, RELATING TO SEXUAL ASSAULTS June 9, 2022

This bill seeks to define third-degree sexual assault as sexual contact between a person over the age of eighteen years old and another person who is younger than eighteen years old but older than fourteen years old, if the person who is over the age of eighteen years old holds a “position of authority” or “supervisory” or “disciplinary” power over the younger individual. Presently, it is a crime for any person over the age of 18 to have sex with a person between the ages of 14 and 16. The ACLU of RI is sensitive to the situations which this bill seeks to address, but we wish to raise a few concerns about the language which we feel could inadvertently criminalize otherwise consensual young-adult relationships.

The provisions in this bill are worded so broadly that this prohibition could potentially apply to any number of innocent relationships. The breadth and ambiguity of the definition of “position of authority” is particularly troubling in this respect; it includes any person “acting in the place of a parent” as well as any person charged with any responsibility for the supervision of a minor. Although the bill attempts to limit the interactions which can be considered third-degree sexual assault, those exemptions fail to cover a substantial number of easily imaginable and extremely common situations.

One could argue, for example, that teaching a person to drive a car is a “parental responsibility.” Under this legislation, even with the exemptions presented in Section b(2)(iii), an eighteen-year-old who is teaching their sixteen-year-old partner how to drive could be charged with felony third-degree sexual assault on the basis of this language. A twenty-year-old who drives their seventeen-year-old partner home from school every day could be charged under this language, regardless of the consensual nature of the relationship. An eighteen-year-old and a sixteen-year-old who volunteer on a project together, but where the eighteen-year-old has senior status, could be found in violation of this law. The bill would criminalize a sexual relationship between a seventeen-year-old college student and the nineteen-year-old RA in their dorm. While one may disagree as to whether these relationships are appropriate, they simply should not carry the weight of a potential felony conviction.

Thank you for considering these concerns.