

2019-2020 NCCASA Legislative Agenda

Budget Priorities

Priority	Proposed Legislation or Language
Rape Crisis Center Funding	The State budget has remained steady with rape crisis center funding at \$2.895 million for years; in order to meet the increased demand for services, our rape crisis centers need to be adequately funded.
Status: Priority for 2020 Short Session	

Withdrawal of Consent

Priority	Proposed Legislation or Language
NCCASA proposes and supports a statute that would allow consent to be withdrawn after the initial consent is given	<p>The Coalition Against Sexual Assault prefers this language:</p> <p>(A) A person who initially consents to a sexual act as defined in 14-27.20 is not deemed to have consented to any penetration that occurs after the person withdraws consent during the course of that particular sexual act. A person may withdraw consent to engage in a sexual act in the middle of that act, even if the actual penetration is accomplished with consent and even if there is only one sexual act. The withdrawal of consent must be clearly communicated in a way that a reasonable person would understand to constitute withdrawal of consent.</p> <p>(B) A person who continues a sexual act after consent is withdrawn is deemed to have committed that act by force and against the will of the other person.</p> <p>The Coalition Against Sexual Assault is also okay with this language:</p> <p>14-27.37. Withdrawal of consent. A person who consents to vaginal intercourse or to a sexual act [defined in NCGS 14-27.20] can withdraw that consent at any time, provided the withdrawal is clearly communicated in a manner a reasonable person would understand to be withdrawal of consent.</p>
Status: Successful in 2019 Long Session; Now Law.	

Incapacitation

Priority	Proposed Legislation or Language
<p>Victims of rape and sexual assault who are incapacitated due to voluntary alcohol consumption cannot use their incapacitation as the basis for a second degree rape or sexual assault conviction under current North Carolina law.</p>	<p>(2) "Mentally incapacitated" means a victim who due to any act committed upon the victim is rendered substantially incapable of either appraising the nature of his or her conduct, or resisting the act of vaginal intercourse or a sexual act.</p> <p>NCCASA proposes removal of the "committed upon the victim" language in the statute.</p>
<p>Status: Successful in 2019 Long Session; Now Law.</p>	

Sexual Assault Evidence Collection Kits

Priority	Proposed Legislation or Language
<p>Expansion of the Sexual Assault Evidence Collection Kit language, with recommendations from the Attorney General's office and proper funding for the continued implementation of the system.</p>	<p>The 2018 law was passed without state funding, relying heavily on a SAKI grant that the Attorney General's office received and will need to be funded to continue to provide tracking for the system.</p>
<p>Status: Successful in 2019 Long Session; Now Law and fully funded.</p>	

Sexting

Priority	Proposed Legislation or Language
<p>In North Carolina, if a 16- and a 17- year old have sex with each other, they are completely acting within the law. However, if they consensually exchange "sexts" with each other, they may be convicted of a felony and be forced to register as a sex offender.</p>	<p>A simple approach would be to mimic how North Carolina law differentiates between "Indecent Liberties With Children" (A Class F Felony, and a reportable offense for the sex offender registry) and "Indecent Liberties Between Children" (A XXX misdemeanor that is not a reportable offense.)</p> <p>Additionally completion of the educational program should be sufficient to either completely divert charges or expunge any charges from a minor's record on their first</p>

	offense (or group of offenses).
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Status: Remains a priority for 2020 Short Session.
