

 KENTUCKY YMCA YOUTH ASSOCIATION KENTUCKY YOUTH ASSEMBLY Legislative Bill	Red Bill # SB 23						
	Referred to Committee: Senate 1						
Authors: Zach Gabbert, James Macumber	Action on the Bill <table> <tr> <td>House</td> <td>Senate</td> </tr> <tr> <td>___ <input type="checkbox"/> Passed</td> <td>___ <input type="checkbox"/> Passed</td> </tr> <tr> <td>___ <input type="checkbox"/> Defeated</td> <td>___ <input type="checkbox"/> Defeated</td> </tr> </table>	House	Senate	___ <input type="checkbox"/> Passed	___ <input type="checkbox"/> Passed	___ <input type="checkbox"/> Defeated	___ <input type="checkbox"/> Defeated
House		Senate					
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School: Oldham County High School							
City: LaGrange							

1 An act to allow the plaintiff to petition for the removal of custody rights of the defendant, following a
2 conviction of rape.
3

4 **Be it enacted by the Youth Assembly of the Commonwealth of Kentucky**
5

6 Section 1: According to current state policy, rapists are allowed both parental visitation and custody rights
7 to any child they help to bear, including their victim's. Knowing this, many rapists will use threat of custody
8 as leverage to avoid rape charges. This bill would allow for victims to seek the removal of custody rights
9 from the perpetrator upon conviction of rape. In short, they would have no claim to the child beyond what
10 the victim allows them.
11

12 Section 2: Taking action this course of action would be the discretion of the victim, just as pursuing the rape
13 charge was. The formal charge would be rape, but the victim would receive the right to petition to add the
14 removal of the convicted's parental custody rights.
15

16 Section 3: The removal of parental custody rights would take place at the sentencing in which the victim
17 would be allowed to appeal to the judge for the removal of custody rights as part of the sentence of the
18 rape conviction.
19

20 Section 4: Other instances of sexual assault, aside from forcible rape, that this bill will cover include are, but
21 are not restricted to:

- 22 • Statutory rape is a term applied to instances where the victim is less than 14 years of age and the
23 defendant is less than 18 years of age. However, this term also applies to cases where the victim is
24 between 14 and 16 years of age and the defendant is less than 21 years of age.
- 25 • Incapacitated rape is when drugs or alcohol facilitates the rape or when the victim is unconscious or
26 too impaired to give consent to the act or cannot appraise or control their conduct.
- 27 • A sex act is defined as any type of sexual penetration, in the Federal Code.
28

29 Section 5: If the conviction that led to the removal of custody rights was statutory rape, once both parties
30 are over 18, the defendant has the opportunity to appeal for custody rights of the child. This clause is meant
31 to resolve the issue of consent that is present in many statutory rape cases.
32

33 Section 6: Upon passage, this bill will go into effect January 1st, 2014.