

APPENDIX

Subject ID# _____

Demographics/History Questionnaire DV/R

Please answer the following questions by either filling in the appropriate information or checking the appropriate response.

- 1) Age _____
- 2) Race/Ethnicity _____
- 3) Religion _____
- 4) Employment status:
employed _____
unemployed _____
- 5) Current independent household income _____
- 6) Where do you get most of your income?
Abuser _____
Government assistance _____
Your job _____
Your family _____
Friends _____
- 7) Current socioeconomic status:
upper _____
middle _____
lower _____
- 8) Marital status (at time of abuse):
dating _____
married _____
separated or divorced _____
unmarried but living together _____
- 9) Length of relationship (in months) _____
- 10) Number of marriages _____
- 11) Number of children _____
- 12) History of depression _____
anxiety _____
- 13) Years of education _____
- 14) Have you experienced physical violence (not including rape)? _____
- 15) If yes, how many years did you experience physical violence (not including rape)? _____
- 16) If yes, how many incidents of physical violence have you experienced?
One time _____ Six to ten times _____
Two times _____ Eleven to fifteen times _____
Three to five times _____ More than fifteen times _____

- 17) If yes, when did the physical violence begin?
 First year of the relationship _____
 After the first year of the relationship _____
- 18) If yes who was your abuser?
 Husband _____
 Boyfriend _____
 Other _____
- 19) If yes, most severe injury (please pick one):
 No medical attention required _____
 Minor (e.g. laceration) but sought medical attention _____
 Severe (e.g. broken bones) and medical attention needed _____
 One to five hospitalizations required _____
 More than five hospitalizations required _____
- 20) If yes, were you raped by your abuser?
- 21) Were you physically abused as a child?
- 22) Have you experienced rape in the past two months? _____
- 23) If yes, who was your rapist?
 Husband _____
 Boyfriend _____
 Acquaintance _____
 Stranger _____
- 24) If yes, how many incidents of rape have you experienced?
 One time _____ Six to ten times _____
 Two times _____ Eleven to fifteen times _____
 Three to five times _____ More than fifteen times _____
- 25) If yes, most severe injury (please pick one):
 No medical attention required _____
 Minor (e.g. laceration) but sought medical attention _____
 Severe (e.g. broken bones) and medical attention needed _____
 One to five hospitalizations required _____
 More than five hospitalizations required _____
- 26) Did you experience childhood sexual assault? _____
- 27) How long have you been receiving services at this shelter? _____ weeks.
- 28) Have you ever received services from a domestic violence shelter? _____
- 29) What is your current occupation? _____

Packet # _____

Conflict Tactics Scale

Here is a list of behaviors that many women report that their partners have used. We would like you to estimate how often these behaviors occurred during the past year. Your answers are strictly confidential. CIRCLE the number beside each item that best approximates how often each event happened in your relationship with your partner during the past year.

- 0 = never
- 1 = once
- 2 = twice
- 3 = three to five times
- 4 = six to ten times
- 5 = eleven to twenty times
- 6 = more than twenty times

1. Threatened to hit or throw something at you	0	1	2	3	4	5	6
2. Threw or smashed or hit or kicked something	0	1	2	3	4	5	6
3. Threw something at you	0	1	2	3	4	5	6
4. Scratched you	0	1	2	3	4	5	6
5. Shook you	0	1	2	3	4	5	6
6. Pushed, grabbed or shoved you	0	1	2	3	4	5	6
7. Slapped you	0	1	2	3	4	5	6
8. Punched you	0	1	2	3	4	5	6
9. Kicked, bit or hit you with a fist	0	1	2	3	4	5	6
10. Threw you around	0	1	2	3	4	5	6
11. Hit or tried to hit you with something	0	1	2	3	4	5	6
12. Choked/strangled you	0	1	2	3	4	5	6
13. Beat you up	0	1	2	3	4	5	6
14. Burned you with something	0	1	2	3	4	5	6
15. Threatened you with a knife or gun	0	1	2	3	4	5	6
16. Used a knife or gun on you	0	1	2	3	4	5	6
17. Refused to let you see friends, family, or relatives	0	1	2	3	4	5	6
18. Verbally threatened or intimidated you	0	1	2	3	4	5	6
19. Refused to let you have money for needed expenses	0	1	2	3	4	5	6
20. Forced you to engage in sexual practices against your will	0	1	2	3	4	5	6

21. Refused to allow you to seek psychological or spiritual counseling	0	1	2	3	4	5	6
22. Verbally ridiculed or demeaned you	0	1	2	3	4	5	6
23. Intentionally insulted or humiliated you in front of others	0	1	2	3	4	5	6
24. Denied you access to your paycheck or other forms of money you receive	0	1	2	3	4	5	6
25. Refused to allow you to socialize with people who are important to you.	0	1	2	3	4	5	6
26. Did not allow you to use birth control or refused to use birth control when you requested it	0	1	2	3	4	5	6
27. Refused to allow you out of the house or apartment when you wanted to leave	0	1	2	3	4	5	6
28. Prevented you from eating or sleeping when you wished to	0	1	2	3	4	5	6
29. Forced you to engage in sexual activities that you found painful or distasteful	0	1	2	3	4	5	6
30. Sold or destroyed your personal items	0	1	2	3	4	5	6

Subject ID#: _____

Sex: M _____ F _____

CAEQ-DV/R

Please think of two episodes of abuse you have experienced. One should be the **most stressful** abusive episode you have experienced. The other should be the **most recent** abusive episode you have experienced (i.e., the one occurring closest to today). If the most recent abusive episode is also the most stressful one for you, pick the **next** most stressful episode as your most recent one.

I. Most stressful abusive episode

Please think about your **most stressful** abusive episode and answer the following questions about it. Circle the most appropriate number on the scale after each question.

(1) How discouraged did you feel as a result of this episode of abuse?

1-----2-----3-----4-----5-----6
not at all somewhat extremely
discouraged discouraged discouraged

(2) How stressful was your experience of this episode of abuse?

1-----2-----3-----4-----5-----6
not at all somewhat extremely
stressful stressful stressful

(3) To what extent was the occurrence of this episode under your control?

1 2 3 4 5 6
Not at all Completely
under my under my
control control

(4) To what extent did your behavior produce this episode?

1 2 3 4 5 6
Not at all Completely

(5) How confident are you about your control over this episode?

1 2 3 4 5 6
Totally Totally
unconfident confident

(6) In the future, how likely is it that you could avoid the occurrence of episodes similar to this one?

1	2	3	4	5	6
Not at all likely					Extremely likely

(7) In the future, how likely is it that you could avoid the occurrence of abusive episodes in general?

1	2	3	4	5	6
Not at all likely					Extremely likely

Please answer the following questions about your control or lack of control over this abusive episode. If you felt you **had control** over the episode circle “**ability**” in each statement. If you felt that you did **not control** the episode circle “**inability**.”

(8) Was the cause of your ability/inability to control this episode due to something about you or something about other people or circumstances?

1	2	3	4	5	6
Totally due to other people or circumstances					Totally due to me

(9) In the future, will the cause of your ability/inability to control this episode again be present?

1	2	3	4	5	6
Will never again be present					Will always be present

(10) Is the cause of your ability to control this episode something that just affects this situation or does it also influence other areas of your life?

1	2	3	4	5	6
Influences just this particular situation					Influences all situations in my life

(11) How important was this episode to you?

1	2	3	4	5	6
---	---	---	---	---	---

Not at all
important

Extremely
important

II. Most Recent Abusive Episode

Please think about your most recent abusive episode and answer the following questions about it. Circle the most appropriate number on the scale after each question.

(12) How discouraged did you feel as a result of this episode of abuse?

1-----2-----3-----4-----5-----6
not at all somewhat extremely
discouraged discouraged discouraged

(13) How stressful was your experience of this episode of abuse?

1-----2-----3-----4-----5-----6
not at all somewhat extremely
stressful stressful stressful

(14) To what extent was the occurrence of this episode under your control?

1 2 3 4 5 6
Not at all Completely
under my under my
control control

(15) To what extent did your behavior produce this episode?

1 2 3 4 5 6
Not at all Completely

(16) How confident are you about your control over this episode?

1 2 3 4 5 6
Totally Totally
unconfident confident

(17) In the future, how likely is it that you could avoid the occurrence of episodes similar to this one?

1 2 3 4 5 6
Not at all Extremely
likely likely

(18) In the future, how likely is it that you could avoid the occurrence of abusive episodes in general?

1	2	3	4	5	6
Not at all likely					Extremely likely

Please answer the following questions about your control or lack of control over this abusive episode. If you felt you **had control** over the episode circle “**ability**” in each statement. If you felt that you did **not control** the episode circle “**inability**.”

(19) Was the cause of your ability/inability to control this episode due to something about you or something about other people or circumstances?

1	2	3	4	5	6
Totally due to other people or circumstances					Totally due to me

(20) In the future, will the cause of your ability/inability to control this episode again be present?

1	2	3	4	5	6
Will never again be present					Will always be present

(21) Is the cause of your ability/inability to control this episode something that just affects this situation or does it also influence other areas of your life?

1	2	3	4	5	6
Influences just this particular situation					Influences all situations in my life

(22) How important was this episode to you?

1	2	3	4	5	6
Not at all important					Extremely important

COPE-B

These items deal with the ways you've been coping with any difficulties you might be experiencing. There are many ways to deal with stress. These items ask you to indicate how *you* cope. Each item says something about a particular way of coping. Please indicate *how frequently* you've been doing what the item says. Don't answer on the basis of whether it seems to be *working* or not, just whether or not you're doing it. Try to rate each item separately from the others. Make your answers as true *for you* as you can.

Please rate the following coping techniques as they relate to **physical abuse/rape**:

- 1 = I haven't been doing this at all
- 2 = I've been doing this a little bit
- 3 = I've been doing this a medium amount
- 4 = I've been doing this alot

1. _____ I've been turning to work or other activities to take my mind off things.
2. _____ I've been concentrating my efforts on doing something about the situation I'm in.
3. _____ I've been saying to myself "this isn't real."
4. _____ I've been using alcohol or other drugs to make myself feel better.
5. _____ I've been getting emotional support from others.
6. _____ I've been giving up trying to deal with it.
7. _____ I've been taking action to try to make the situation better.
8. _____ I've been refusing to believe that it has happened.
9. _____ I've been saying things to let my unpleasant feelings escape.
10. _____ I've been getting help and advice from other people.
11. _____ I've been using alcohol or other drugs to help me get through it.
12. _____ I've been trying to see it in a different light, to make it seem more positive.
13. _____ I've been criticizing myself.
14. _____ I've been trying to come up with a strategy about what to do.
15. _____ I've been getting comfort and understanding from someone.
16. _____ I've been giving up the attempt to cope.
17. _____ I've been looking for something good in what is happening.
18. _____ I've been making jokes about it.
19. _____ I've been doing something to think about it less, such as going to movies, watching TV, reading, daydreaming, sleeping, or shopping.
20. _____ I've been accepting the reality of the fact that it has happened.
21. _____ I've been expressing my negative feelings.
22. _____ I've been trying to find comfort in my religion or spiritual beliefs.
23. _____ I've been trying to get advice or help from other people about what to do.
24. _____ I've been learning to live with it.
25. _____ I've been thinking hard about what steps to take.
26. _____ I've been blaming myself for things that happened.
27. _____ I've been praying or meditating.
28. _____ I've been making fun of the situation.

Subject ID# _____
Sex M _____ F _____

ROSE

In this questionnaire, rate each of the statements using the rating scale below (i.e., 1 = disagree, 2 = mostly disagree, 3 = neither, 4 = mostly agree, 5 = agree) Put your rating in the blank provided next to each statement. Please put only one rating next to each item.

There are no right or wrong answers to these statements. The most important thing is to rate each statement in a way that corresponds to your personal feelings.

1. _____ I take a positive attitude toward myself.
2. _____ I am inclined to feel that I am a failure when it comes to achievement situations that matter most to me (e.g., school, athletics, work etc.).
3. _____ I feel that I have a number of good qualities.
4. _____ I feel I do not have much to be proud of.
5. _____ I am able to do things as well as most other people.
6. _____ Sometimes I think I am no good at all.
7. _____ I feel I am a person of worth, at least on an equal plane with others.
8. _____ I wish I could have more respect for myself.
9. _____ I feel that my life is not very useful.
10. _____ On the whole, I am satisfied with myself.

ATTRIBUTION RATING SCALE DV/R

Please answer the following questions about previous **physical violence/rape**:

- 1- Completely False
- 2- Somewhat False
- 3- Neutral
- 4- Somewhat True
- 5- Completely True

- | | | | | | |
|--|---|---|---|---|---|
| 1. I did not resist enough | 1 | 2 | 3 | 4 | 5 |
| 2. I trust people too much | 1 | 2 | 3 | 4 | 5 |
| 3. I put myself in a situation I couldn't get out of | 1 | 2 | 3 | 4 | 5 |
| 4. There are never any people around when you need them. | 1 | 2 | 3 | 4 | 5 |
| 5. I got what I deserved | 1 | 2 | 3 | 4 | 5 |
| 6. I have bad luck | 1 | 2 | 3 | 4 | 5 |
| 7. I am basically a bad person | 1 | 2 | 3 | 4 | 5 |
| 8. It is unsafe for a woman to go anywhere by herself | 1 | 2 | 3 | 4 | 5 |
| 9. I cannot take care of myself | 1 | 2 | 3 | 4 | 5 |
| 10. I was somewhere I shouldn't have been | 1 | 2 | 3 | 4 | 5 |
| 11. There is too much pornography in this society | 1 | 2 | 3 | 4 | 5 |
| 12. I made a rash decision | 1 | 2 | 3 | 4 | 5 |
| 13. People are too scared to get involved | 1 | 2 | 3 | 4 | 5 |
| 14. I am stupid | 1 | 2 | 3 | 4 | 5 |
| 15. I am a poor judge of character | 1 | 2 | 3 | 4 | 5 |
| 16. I did not scream for help | 1 | 2 | 3 | 4 | 5 |
| 17. I did not trust my instincts at the time | 1 | 2 | 3 | 4 | 5 |
| 18. In certain areas of town, there is never a policeman
around when you need one | 1 | 2 | 3 | 4 | 5 |
| 19. I am the victim type | 1 | 2 | 3 | 4 | 5 |
| 20. I am too impulsive | 1 | 2 | 3 | 4 | 5 |

- | | | | | | |
|--|---|---|---|---|---|
| 21. I am not assertive enough | 1 | 2 | 3 | 4 | 5 |
| 22. There is too much violence on television | 1 | 2 | 3 | 4 | 5 |
| 23. This world is filled with emotionally disturbed people | 1 | 2 | 3 | 4 | 5 |
| 24. I did not know how to say no | 1 | 2 | 3 | 4 | 5 |
| 25. I am a careless person | 1 | 2 | 3 | 4 | 5 |

SCL- 94

Below is a list of problems and complaints that people sometimes have. Read each one carefully, and select one of the numbered descriptors that best describes **HOW MUCH DISCOMFORT THAT PROBLEM HAS CAUSED YOU DURING THE PAST TWO WEEKS INCLUDING TODAY**. (Please place the number selected in the space to the left of the problem/complaint.)

HOW MUCH WERE YOU DISTRESSED BY: _____ DESCRIPTORS: 0-Not at all
1-A little bit
2-Moderately
3-Quite a Bit
4-Extremely

Please answer the following questions related to **PHYSICAL ABUSE/RAPE**:

- _____ 1. Headaches.
- _____ 2. Nervousness or shakiness
- _____ 3. Repeated unpleasant thought that won't leave your mind.
- _____ 4. Faintness or dizziness.
- _____ 5. Loss of sexual interest or pleasure.
- _____ 6. Feeling critical of others.
- _____ 7. The idea that someone else can control your thoughts.
- _____ 8. Feeling others are to blame for most of your troubles.
- _____ 9. Trouble remembering things.
- _____ 10. Worried about sloppiness or carelessness.
- _____ 11. Feeling easily annoyed or irritated.
- _____ 12. Pains in heart or chest.
- _____ 13. Feeling afraid in open spaces or on the streets.
- _____ 14. Feeling low in energy or slowed down.
- _____ 15. Thoughts of ending your life.
- _____ 16. Hearing voices that other people do not hear.
- _____ 17. Trembling.
- _____ 18. Feeling that most people cannot be trusted.
- _____ 19. Poor appetite.
- _____ 20. Crying easily.
- _____ 21. Feeling shy or uneasy with the opposite sex.
- _____ 22. Feelings of being trapped or caught.
- _____ 23. Suddenly scared for no reason.
- _____ 24. Temper outbursts that you could not control.
- _____ 25. Feeling afraid to go out of your house alone.
- _____ 26. Blaming yourself for things.
- _____ 27. Pains in lower back.
- _____ 28. Feeling blocked in getting things done.
- _____ 29. Feeling lonely.

- 0-Not at all
- 1-A little bit
- 2-Moderately
- 3-Quite a bit
- 4-Extremely

- _____ 30. Feeling blue.
- _____ 31. Worrying too much about things.
- _____ 32. Feeling no interest in things.
- _____ 33. Feeling fearful.
- _____ 34. Your feelings being easily hurt.
- _____ 35. Other people being aware of your private thoughts.
- _____ 36. Feeling others do not understand you or are unsympathetic.
- _____ 37. Feeling that people are unfriendly or dislike you.
- _____ 38. Having to do things very slowly to insure correctness.
- _____ 39. Heart pounding or racing.
- _____ 40. Nausea or upset stomach.
- _____ 41. Feeling inferior to others.
- _____ 42. Soreness of your muscles.
- _____ 43. Feeling that you are watched or talked about by others.
- _____ 44. Trouble falling asleep.
- _____ 45. Having to check and double check what you do.
- _____ 46. Difficulty making decisions.
- _____ 47. Feeling afraid to travel on buses, subways, or trains.
- _____ 48. Trouble getting your breath.
- _____ 49. Hot or cold spells.
- _____ 50. Having to avoid certain things, places, or activities because they frighten you.
- _____ 51. Your mind going blank.
- _____ 52. Numbness or tingling in parts of your body.
- _____ 53. A lump in your throat.
- _____ 54. Feeling hopeless about the future.
- _____ 55. Trouble concentrating.
- _____ 56. Feeling weak in parts of your body.
- _____ 57. Feeling tense or keyed up.
- _____ 58. Heavy y feelings in your arms or legs.
- _____ 59. Thoughts of death or dying.
- _____ 60. Overeating.
- _____ 61. Feeling uneasy when people are watching or talking to you.
- _____ 62. Having thoughts that are not your own.
- _____ 63. Having urges to beat, injure, or harm someone.
- _____ 64. Awakening in the early morning.
- _____ 65. Having to repeat the same actions such as touching, counting, washing.
- _____ 66. Sleep that is restless or disturbed.
- _____ 67. Having urges to break or smash things.

- 0-Not at all
- 1-A little bit
- 2-Moderately
- 3-Quite a bit
- 4-Extremely

- _____ 68. Having ideas or beliefs that others do not share.
- _____ 69. Feeling very self-conscious with others.
- _____ 70. Feeling uneasy in crowds, such s shopping or at a movie.
- _____ 71. Feeling everything is an effort.
- _____ 72. Spells of terror or panic.
- _____ 73. Feeling uncomfortable about eating or drinking in public.
- _____ 74. Getting into frequent arguments.
- _____ 75. Feeling nervous when you are left alone.
- _____ 76. Others not giving you proper credit for your achievements.
- _____ 77. Feeling lonely even when you are with people.
- _____ 78. Feeling so restless you couldn't sit still.
- _____ 79. Feelings of worthlessness.
- _____ 80. The feeling that something bad is going to happen to you.
- _____ 81. Shouting or throwing things.
- _____ 82. Feeling afraid you will faint in public.
- _____ 83. Feeling that people will take advantage of you if you let them.
- _____ 84. Having thoughts about sex that bother you a lot.
- _____ 85. The idea that you should be punished for your sins.
- _____ 86. Thoughts and images of a frightening nature.
- _____ 87. The idea that something serious is wrong with your body.
- _____ 88. Never feeling close to another person.
- _____ 89. Feeling of guilt.
- _____ 90. The idea that something is wrong with your mind.
- _____ 91. Sleeping too much.
- _____ 92. Fidgeting, inability to sit, pacing, or fast speech.
- _____ 93. Slowed speech, increased pauses before answering, slowed body movements.
- _____ 94. Weight loss or weight gain (change of 1 lb. Per week over several weeks or several lbs. Per year when not dieting).

Sexual Experiences Survey

Have you ever:

- 1) Had sexual intercourse with a man when you both wanted to? Yes No
- 2) Had a man misinterpret the level of sexual intimacy you desired? Yes No
- 3) Been in a situation where a man became so sexually aroused that you felt it was useless to stop him even though you did not want to have sexual intercourse?
Yes No
- 4) Had sexual intercourse with a man when you didn't really want to because he threatened to end your relationship otherwise?
Yes No
- 5) Had sexual intercourse with a man when you didn't really want to because you felt pressured by his continual arguments?
Yes No
- 6) Found out that a man had obtained sexual intercourse with you by saying things he didn't really mean?
Yes No
- 7) Been in a situation where a man used some degree of physical force (Twisting your arm, holding you down etc) to try to make you engage in kissing or petting when you didn't want to?
Yes No
- 8) Been in a situation where a man tried to get sexual intercourse with you when you didn't want to by threatening to use physical force (twisting your arm, holding you down etc.) if you didn't cooperate but for various reasons sexual intercourse did not occur?
Yes No
- 9) Been in a situation where a man used some degree of physical force (twisting your arm, holding you down etc.) to try to get you to have sexual intercourse with him when you didn't want to, but for various reasons sexual intercourse did not occur?
Yes No
- 10) Had sexual intercourse with a man when you didn't want to because he threatened to use physical force (twisting your arm, holding you down etc.) if you didn't cooperate?
Yes No

11) Had sexual intercourse with a man when you didn't want to because he used some degree of physical force (twisting your arm, holding you down etc.)

Yes No

12) Been in a situation where a man obtained sexual acts with you such as anal or oral intercourse when you didn't want to by using threats or physical force (twisting your arm, holding you down etc.)

Yes No

13) Have you ever been raped?

Yes No

North Carolina General Statutes

Article 7A.

Rape and Other Sex Offenses.

§ 14-27.1. Definitions.

As used in this Article, unless the context requires otherwise:

- (1) "Mentally disabled" means (i) a victim who suffers from mental retardation, or (ii) a victim who suffers from a mental disorder, either of which temporarily or permanently renders the victim substantially incapable of appraising the nature of his or her conduct, or of resisting the act of vaginal intercourse or a sexual act, or of communicating unwillingness to submit to the act of vaginal intercourse or a sexual act.
- (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.
- (3) "Physically helpless" means (i) a victim who is unconscious; or (ii) a victim who is physically unable to resist an act of vaginal intercourse or a sexual act or communicate unwillingness to submit to an act of vaginal intercourse or a sexual act.
- (4) "Sexual act" means cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body: provided, that it shall be an affirmative defense that the penetration was for accepted medical purposes.
- (5) "Sexual contact" means (i) touching the sexual organ, anus, breast, groin, or buttocks of any person, or (ii) a person touching another person with their own sexual organ, anus, breast, groin, or buttocks.
- (6) "Touching" as used in subdivision (5) of this section, means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim. (1979, c. 682, s. 1; 2002-159, s. 2(a); 2003-252, s. 1.)

§ 14-27.2. First-degree rape.

(a) A person is guilty of rape in the first degree if the person engages in vaginal intercourse:

- (1) With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim; or
- (2) With another person by force and against the will of the other person, and:
 - a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or
 - b. Inflicts serious personal injury upon the victim or another person; or
 - c. The person commits the offense aided and abetted by one or more other persons.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 4; 1981, c. 63; c. 106, ss. 1, 2; c. 179, s. 14; 1983, c. 175, ss. 4, 10; c. 720, s. 4; 1994, Ex. Sess., c. 22, s. 2; 2004-128, s. 7.)

§ 14-27.3. Second-degree rape.

(a) A person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person:

(1) By force and against the will of the other person; or

(2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class C felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child conceived during the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 5; 1981, cc. 63, 179; 1993, c. 539, s. 1130; 1994, Ex. Sess., c. 24, s. 14(c); 2002-159, s. 2(b); 2004-128, s. 8.)

TITLE 18.2. CRIMES AND OFFENSES GENERALLY

CHAPTER 4. CRIMES AGAINST THE PERSON

ARTICLE 7. CRIMINAL SEXUAL ASSAULT

Va. Code Ann. § 18.2-61 (2004)

§ 18.2-61. Rape

A. If any person has sexual intercourse with a complaining witness who is not his or her spouse or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person, or (ii) through the use of the complaining witness's mental incapacity or physical helplessness, or (iii) with a child under age thirteen as the victim, he or she shall be guilty of rape.

B. If any person has sexual intercourse with his or her spouse and such act is accomplished against the spouse's will by force, threat or intimidation of or against the spouse or another, he or she shall be guilty of rape.

C. A violation of this section shall be punishable, in the discretion of the court or jury, by confinement in a state correctional facility for life or for any term not less than five years. There shall be a rebuttable presumption that a juvenile over the age of 10 but less than 12, does not possess the physical capacity to commit a violation of this section. In any case deemed appropriate by the court, all or part of any sentence imposed for a violation of subsection B may be suspended upon the defendant's completion of counseling or therapy, if not already provided, in the manner prescribed under § 19.2-218.1 if, after consideration of the views of the complaining witness and such other evidence as may be relevant, the court finds such action will promote maintenance of the family unit and will be in the best interest of the complaining witness.

D. Upon a finding of guilt under subsection B in any case tried by the court without a jury, the court, without entering a judgment of guilt, upon motion of the defendant and with the consent of the complaining witness and the attorney for the Commonwealth, may defer further proceedings and place the defendant on probation pending completion of counseling or therapy, if not already provided, in the manner prescribed under § 19.2-218.1. If the defendant fails to so complete such counseling or therapy, the court may make final disposition of the case and proceed as otherwise provided. If such counseling is completed as prescribed under § 19.2-218.1, the court may discharge the defendant and dismiss the proceedings against him if, after consideration of the views of the complaining witness and such other evidence as may be relevant, the court finds such action will promote maintenance of the family unit and be in the best interest of the complaining witness.

