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Res. No. 193

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.1075A/A.6319A, which would amend the penal law to remove the penetration requirement from the rape statutes as well as to define rape as sexual intercourse, oral sexual conduct, or anal sexual conduct, and to explicitly recognize rape with an object

By Council Member Gennaro

Whereas, The Federal Bureau of Investigation's (FBI) Uniform Crime Report (UCR) Summary Reporting System (SRS), also known as the national "report card" on serious crime, is a trusted source of statistics for use in law enforcement; and

Whereas, The UCR SRS utilized an outdated and narrow definition of "forcible rape" that had been unchanged since 1927 until 2012, when the United States (U.S.) Attorney General revised the definition of rape to ensure rape is more accurately reported nationwide; and

Whereas, For the first time, the new definition of rape, "[t]he penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim," includes any gender of victim and perpetrator, as well as recognizes rape with an object; and

Whereas, This revised definition sends an important message to all victims that what happens to them matters, and to perpetrators that they will be held accountable; and

Whereas, A U.S. Department of Justice study indicates that 60 percent of sexual assault crimes are not reported to the police, while a U.S. Centers for Disease Control survey on intimate partner and sexual violence found that over 18 percent of women reported being raped in their lifetime; and

Whereas, In New York City ("NYC" or "City"), the NYC Alliance Against Sexual Assault estimates that

nearly 50,000 women are raped annually; and

Whereas, Currently, New York State ("State") rape statutes include a penetration requirement and refers to oral and anal sexual conduct as "criminal sexual acts"; and

Whereas, Not only is this definition more restrictive than the federal definition of rape, it is archaic; distinguishing different types of nonconsensual contact of a sexual organ reduces the perceived severity of the crime as well as contributes to the underreporting of rape; and

Whereas, Moreover, the current State legal definition of rape would not recognize an instance where one man rapes another man anally, as rape; and

Whereas, S.1705A/A.6319A, also referred to as the "Rape is Rape" bill, sponsored by State Senator Brad Hoylman and State Assembly Member Catalina Cruz, respectively, would broaden the legal definition of rape beyond vaginal penetration; and

Whereas, In redefining rape, S.1705A/A.6319A should also include an explicit recognition of rape with an object, currently classified as aggravated sexual abuse in different degrees; and

Whereas, Survivors of rape and their advocates have been pushing for the passage of this bill since it was first introduced in 2011; and

Whereas, Rape, in any form, is traumatic and victims of rape deserve justice; now, therefore be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.1075A/A.6319A, which would amend the penal law to remove the penetration requirement from the rape statutes as well as to define rape as sexual intercourse, oral sexual conduct, or anal sexual conduct, and to explicitly recognize rape with an object.

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