

# RAPE AND PUNISHMENT

What is Rape?

# FIRST COLONISTS

- ⦿ Permitted death penalty
- ⦿ States determined their own punishment
- ⦿ Furman v. Georgia
  - Cruel and unusual punishment

# TODAY...

- Majority of states do not permit the death penalty

- Great emphasis on the Eighth Amendment

- “.. nor cruel and unusual punishments inflicted”

# SOUTH DAKOTA

## ⦿ Up to 10 years in prison

- Victim-under the age of 10

## ⦿ 15 years in prison

- Victim-between the ages of 10 and 16
- Rapists-three years older than the victim

# MINNESOTA

## ⦿ Up to 30 years in prison

- Victim-under the age of 13
- Rapist-more than 36 months older

## ⦿ Up to 15 years in prison

- Victim-under age 13
- rapist -no more than 36 months older

■ OR

- Victim -between 13 to 16
- Rapist -more than 24 months older

## ⦿ Up to five years in prison

- Victim -between the ages of 13 and 16
- Rapist -between 24 and 48 months older

# CALIFORNIA

## ⦿ Up to 1 year in county jail

- Victim-under 18 yrs.

- rapist-3 yrs. Older or younger

  - guilty of a misdemeanor

## ⦿ 1 year in county jail/state prison

- victim-under age 18/ 3 yrs. Younger than rapist

  - Guilty of a misdemeanor or a felony

# CALIFORNIA CONT.

⦿ Up to 1 year in county jail/state prison for 2-4 years

■ rapist is 21 or older

○ rapes a minor-16 or younger

- Guilty of a misdemeanor or a felony

# MONTANA

## ⦿ Sexual contact with a minor

- Life imprisonment/prison for 2-100 years

## ⦿ Victim-a minor/3 yrs younger than the rapist

- Life imprisonment/4-100 years in prison



# ISLAMIC PUNISHMENT

⦿ If a woman is raped:

- Press charges

⦿ Proved - woman was raped

- Court applies punishment

- Example: death penalty

# ISLAMIC PUNISHMENT CONT.

In cases where the rapists confesses the crime



⦿Penalty is applied

⦿If he/she is

- Not Married
  - Whipped 100 lashes
- Married
  - Stoned to death



# ISLAMIC PUNISHMENT CONT.

## ⦿ Rape victim

- No punishment
- Treated with dignity and honor
- All forms of help

# SOUTH AFRICA

- ◎ Highest rape reported

- ◎ In 2007

  - Bill was passed

- ◎ Minimum life sentence

  - In cases like:

    - gang rape

    - repeated perpetrators

    - HIV positive

# SOUTH AFRICA CONT.

## ⦿ Other rape cases

- minimum sentences of between 10 and 25 years

- Rapists first, second, etc.

# OTHER SOCIETIES

- ⦿ the victim and the rapist are both punished

- ⦿ victim-brings dishonor

  - Getting killed

# RANDOM FACTS

- ⦿ ¼ of girls will be sexual assaulted by age 18
- ⦿ Every 2 minutes someone is sexually assaulted
- ⦿ 15% rape victims are under 12

## ⦿ In 2007

- 4 rapes per day
- 28 was the average of an offender

# PEOPLE'S OPINION

## ■ Punishment increased?

### ○ Due to:

- post traumatic stress disorder
- possible pregnancy
- thoughts of suicide



# WORKS CITED

- "Ask The Scholar." 14 October 2009. Islam Online. 9 October 2009  
<[http://www.islamonline.net/servlet/Satellite?cid=1122819225850&pagename=IslamOnline-English-Ask\\_Scholar%2FFatwaE%2FFatwaEAskTheScholar](http://www.islamonline.net/servlet/Satellite?cid=1122819225850&pagename=IslamOnline-English-Ask_Scholar%2FFatwaE%2FFatwaEAskTheScholar)>.
- "BNET." 2009. Prohibiting the death penalty for the rape of a child while overlooking wrongful execution: Kennedy v. Louisiana. 9 October 2009  
<[http://findarticles.com/p/articles/mi\\_m6528/is\\_2\\_54/ai\\_n31976879/](http://findarticles.com/p/articles/mi_m6528/is_2_54/ai_n31976879/)>.
- "Minnesota Office of the Revisor of Statutes." 2009. 2009 Minnesota Statutes. 9 October 2009 <<https://www.revisor.leg.state.mn.us/statutes/?id=609.342>>.
- OLR Research Report." 14 April 2003. Statutory Rape Laws by State. 9 October 2009  
<<http://www.cga.ct.gov/2003/olrdata/jud/rpt/2003-R-0376.htm>>.
- "Rape." 14 October 2009. Wikipedia. 9 October 2009  
<[http://en.wikipedia.org/wiki/Rape#Criminal\\_punishment\\_in\\_the\\_United\\_States](http://en.wikipedia.org/wiki/Rape#Criminal_punishment_in_the_United_States)>.
- "Rape & Punishment." 11 July 2007. Rapists Should Suffer. 9 October 2009  
<[http://www.associatedcontent.com/article/310380/rape\\_punishment.html?cat=17](http://www.associatedcontent.com/article/310380/rape_punishment.html?cat=17)>.
- "South Africa The Good News." 21 September 2007. SA law gets tough on rape. 9 October 2009  
<[http://www.sagoodnews.co.za/crime/sa\\_law\\_gets\\_tough\\_on\\_rape.html](http://www.sagoodnews.co.za/crime/sa_law_gets_tough_on_rape.html)>.
- "U.S. Department of State." 24 April 2009. South Africa Country Specific Information. 9 October 2009 <[http://travel.state.gov/travel/cis\\_pa\\_tw/cis/cis\\_1008.html](http://travel.state.gov/travel/cis_pa_tw/cis/cis_1008.html)>.
- Sandra Norman-Eady, Chief Attorney, Associate Attorney Christopher Reinhart and Research Fellow Peter Martino. "Statutory Rape Laws By State." 14 April 2003. cga general assembly. 9 October 2009  
<<http://www.cga.ct.gov/2003/olrdata/jud/rpt/2003-R-0376.htm>>.