

ASSEMBLY, No. 2748

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

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District 21 (Morris, Somerset and Union)

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SYNOPSIS

Criminalizes act of “stealthing”: removing or tampering with a condom during sexual activity without consent of one’s sexual partner.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning consent to certain sexual activity and
2 supplementing Title 2C of the New Jersey Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. A person is guilty of a crime of the third degree if, before or
8 during an act of sexual penetration with another person, the actor
9 knowingly and without the consent of the other person:

10 a. Removes the condom;

11 b. Tampers with or damages the condom; or

12 c. Uses a condom that the actor knows has been tampered with
13 or damaged.

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15 2. This act shall take effect immediately.

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STATEMENT

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20 The bill would criminalize the act of “stealthing”: deliberately
21 removing or tampering with a condom, before or during an act of
22 sexual penetration, without the consent of a sexual partner.

23 Under the bill, it would be a crime of the third degree if, before
24 or during an act of sexual penetration with another person, the actor
25 knowingly and without the consent of the other person:

26 Removes the condom;

27 Tampers with or damages the condom; or

28 Uses a condom that the actor knows has been tampered with or
29 damaged.

30 A crime of the third degree is generally punishable by a term of
31 three to five years or a fine up to \$15,000, or both

32 This bill is similar to California bill AB1033, which was
33 introduced in that state in February 2017.