

House Bill 40: Nonconsensual Removal or Tampering with a Sexual Protective Device (commonly referred to as ‘stealthing’)

What is ‘Stealthing’?

‘Stealthing’ is defined as **the nonconsensual removal of a condom during sexual intercourse**. Despite limited legal acknowledgement, stealthing is fairly common in both hetero- and homosexual relationships, causing physical and mental harm to its victims.¹

Why Should ‘Stealthing’ Be Illegal?

- ‘Stealthing’ turns consensual intercourse (i.e. sex with a condom) into nonconsensual intercourse (i.e. sex without a condom); therefore, sexual violence prevention experts often classify ‘stealthing’ as a form of **sexual assault**¹
- Unprotected sex increases the risks of **unwanted pregnancy** and **sexually transmitted infections/diseases**¹
- Victims of ‘stealthing’ often report **emotional distress** due to feelings of being violated and anxiety related to increased risks of unwanted pregnancy and sexually transmitted infections/diseases¹

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¹ Mateo, A. (2019, October 14). ‘Stealthing’, a dangerous type of sexual abuse - here’s what you need to know about it. *Health*. <https://www.health.com/condition/sexual-assault/what-is-stealthing>

² Jeglic, E. (2021, February 16). What is stealthing?: What you need to know about non-consensual condom removal. *Psychology Today*. <https://www.psychologytoday.com/us/blog/protecting-children-sexual-abuse/202102/what-is-stealthing>

³ Davis, K., Stappenbeck, C., Masters, T., George, W. (2019). Young women’s experiences with coercive and noncoercive condom use resistance: Examination of an understudied sexual risk behavior. *Women’s Health Issues*, 29(3):231-237. 10.1016/j.whi.2019.01.005. Epub 2019 Feb 27. PMID: 30826133; PMCID: PMC6578870

⁴ Brodsky, A. (2017). ‘Rape-Adjacent’: Imagining legal responses to nonconsensual condom removal. *Columbia Journal of Gender and Law*, 32(2). <https://ssrn.com/abstract=2954726>

⁵ Davis, K.C. (2019). ‘Stealthing’: Factors associated with young men’s nonconsensual condom removal. *Health Psychology*, 38(11), 997-1000. <https://doi.org/10.1037/hea0000779>

What Would House Bill 40 Change?

House Bill 40 aims to spread awareness of the dangers of 'stealthing' and to take legal action on the issue. Specifically, this bill would make the act of 'stealthing' a criminal misdemeanor and allow a victim to take their perpetrator to court for civil damages. Victims could seek compensatory damages, punitive damages, and reasonable costs and attorney's fees in the Civil Division of the Superior Court.

Perpetrators who are convicted could be imprisoned for up to two years, fined up to \$2000, or both.

Despite its common occurrence, 'stealthing' remains a lesser-known form of sexual assault. In making 'stealthing' illegal, House Bill 40 brings the dangers and dire consequences of this act to light. This bill also works to deter future perpetrators from engaging in 'stealthing' by establishing specific legal ramifications. In this way, House Bill 40 would not only provide victims of 'stealthing' with a means of seeking justice, but it also works to limit the number of perpetrators and therefore overall incidents of 'stealthing'.

Data:

- According to a study conducted by the *Sex Offender Research Lab* in New York, 14% of female undergraduate participants have experienced 'stealthing' on at least one occasion²
 - A similar study conducted in 2019 by *Women's Health Issues* concluded that 12% of female participants had experienced 'stealthing'³

¹ Mateo, A. (2019, October 14). 'Stealthing', a dangerous type of sexual abuse - here's what you need to know about it. *Health*. <https://www.health.com/condition/sexual-assault/what-is-stealthing>

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- 'Stealthing' victims involved in a 2017 study described their experiences as "a violation of trust", "a denial of autonomy", and "not dissimilar to rape"⁴
- Nearly 10% of young male participants in a 2019 study conducted by *Health Psychology* admitted to 'stealthing' ⁵

Additional Information:

- "'I'm not sure this is rape, but ...' What a law student found when she asked women about 'stealthing'"
 - <https://www.washingtonpost.com/news/soloish/wp/2017/05/05/im-not-sure-this-is-rape-but-what-a-law-student-found-when-she-asked-women-about-stealthing/>
- "Stealthing is still flying dangerously under the radar"
 - <https://www.cnn.com/2021/10/15/opinions/stealthing-california-law-michaela-coel-stewart/index.html>
- "I was a victim of 'stealthing'"
 - <https://nypost.com/2017/05/03/i-was-a-victim-of-stealthing/>