To create a civil action for non-consensual sexual protection barrier removal, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. CAROLYN B. MALONEY of New York introduced the following bill; which was referred to the Committee on ______________________

A BILL

To create a civil action for non-consensual sexual protection barrier removal, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stealthing Act of 2022”.

SEC. 2. FINDINGS.

Congress finds the following:
(1) Stealthing is a type of sexual violence used to describe non-consensual condom removal during sex.

(2) In October 2021, California became the first State to outlaw stealthing at the State level. This law creates a civil remedy so that victims of stealthing can sue for damages.

(3) A 2019 study from Health Psychology reported that almost 10 percent of male participants reported engaging in nonconsensual condom removal since the age of 14 years, with an average of 3.62 times and a range of 1-21 times.

(4) A 2019 study from the Jacobs Institute of Women’s Health found that 12 percent of women have experienced stealthing.

(5) A 2018 Australian study from PLoS ONE found that one in three female respondents and one in five gay male respondents have experienced stealthing.

(6) Stealthing is a grave violation of autonomy, dignity, and trust that is considered emotional and sexual abuse.

(7) Stealthing exposes victims to physical risks including pregnancy and sexually transmitted diseases.
People engaging in sexual intercourse have the right to make decisions about whether to use a condom or other sexual protection barrier.

SEC. 3. NON-CONSENSUAL SEXUAL PROTECTION BARRIER REMOVAL.

(a) CIVIL ACTION.—Any person may commence a civil action against a person who, in a circumstance described in subsection (b), engages in non-consensual sexual protection barrier removal.

(b) CIRCUMSTANCES DESCRIBED.—For the purposes of subsection (a), the circumstances described in this subsection are that—

(1) the defendant traveled in interstate or foreign commerce, or traveled using a means, channel, facility, or instrumentality of interstate or foreign commerce, in furtherance of or in connection with the conduct described in subsection (a);

(2) the defendant used a means, channel, facility, or instrumentality of interstate or foreign commerce in furtherance of or in connection with the conduct described in subsection (a);

(3) a payment of any kind was made, directly or indirectly, in furtherance of or in connection with the conduct described in subsection (a) using any means, channel, facility, or instrumentality of inter-
state or foreign commerce or in or affecting inter-
state or foreign commerce;

(4) the defendant transmitted in interstate or
foreign commerce any communication relating to or
in furtherance of the conduct described in subsection
(a) using any means, channel, facility, or instrument-
ality of interstate or foreign commerce or in or af-
fecting interstate or foreign commerce by any means
or in manner, including by computer, mail, wire, or
electromagnetic transmission;

(5) any sexual protection barrier described has
traveled in interstate or foreign commerce and was
used to perform the conduct described in subsection
(a);

(6) the conduct described in subsection (a) oc-
curred within the special maritime and territorial ju-
risdiction of the United States, or any territory or
possession of the United States; or

(7) the conduct described in subsection (a) oth-
erwise occurred in or affected interstate or foreign
commerce.

(c) PENALTY.—A person bringing a civil action under
subsection (a) may recover compensatory and punitive
damages, injunctive and declaratory relief, and such other
relief as a court may deem appropriate.
(d) DEFINITIONS.—In this section:

(1) NON-CONSENSUAL SEXUAL PROTECTION BARRIER REMOVAL.—The term “non-consensual sexual protection barrier removal” means removal of a sexual protection barrier from a body part, including the genitals, or an object being used by a person for sexual contact with another person without the consent of each person involved in such sexual contact, causing sexual contact between the body parts, including the genitals, or objects being used for sexual contact, and the body of any person engaged in such sexual contact.

(2) SEXUAL PROTECTION BARRIER.—The term “sexual protection barrier” includes a condom, including an internal condom, a dental dam, or any other barrier against sexual fluids during sexual contact.