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Contact: Britt Cudaback, britt.cudaback@legis.wi.gov, 608-266-0960

Representative Sargent Introduces Bill to Stop “Stealth” Sexual Assault

New legislation prevents sexual assault via nonconsensual removal of a sexually protective device

(MADISON) – Representative Melissa Sargent (D-Madison) circulated LRB-3346 on Thursday morning which would work to curb a growing sexual assault practice called “stealthing.”

“It’s time to get serious about consent and sexual assault,” said Rep. Sargent. “Consent isn’t carte blanche—it’s a constant, gradual process—and it’s time our sexual assault laws started to reflect that.”

Nonconsensual condom removal, or “stealthing” as it has been commonly known, is the practice of secretly removing a condom or sexually protective device without the sexual partner’s knowledge or permission. “Stealthing” occurs in situations where parties have freely agreed to engage in sexual intercourse or sexual contact conditional upon the use of a sexually protective device such as a condom, and that conditional consent is violated when the sexually protective device is removed.

“Sexual predators will continue to find new, egregious ways to violate and victimize others, and it’s important that as legislators we take concerted steps to be responsive as we become aware of it. This behavior is predatory and disturbing, and people should know we not only find it reprehensible, but that we won’t tolerate it. Ignoring it is simply not an option.”

The practice of “stealthing” recently gained notoriety after a [Columbia Journal of Gender and Law](#) article was recently published highlighting the limited recourse available to victims of this particular form of sexual assault, and has since been noted in [Forbes](#), [CNN](#), and the [Wisconsin State Journal](#). Sexual assault victim advocates have also indicated increased anecdotal reports of this behavior, and [some jurisdictions](#) have even prosecuted offenders.

LRB-3346 codifies the definition of sexually protective device including condoms and diaphragms, among other devices used to prevent pregnancy or sexually transmitted infections, and also modifies the definition of consent to engage in sexual intercourse or sexual contact on the conditional use of sexually protective devices. Co-sponsorship for the legislation ends on May 19.

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Melissa Sargent is a State Representative in the Wisconsin Assembly, representing the 48th Assembly District, which covers the east and north sides of the city of Madison and the village of Maple Bluff.