

118TH CONGRESS
2D SESSION

H. R. 8188

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2024

Mrs. TORRES of California (for herself, Ms. BONAMICI, Ms. NORTON, Ms. LEE of California, Ms. TLAIB, Ms. BARRAGÁN, Mr. CARTER of Louisiana, Ms. MENG, and Mr. TRONE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stealthling Act of
5 2024”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Stealthing is a type of sexual violence used
2 to describe non-consensual condom removal during
3 sex.

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

8 (3) A 2019 study from Health Psychology re-
9 ported that almost 10 percent of male participants
10 reported engaging in non-consensual condom re-
11 moval since the age of 14 years, with an average of
12 3.62 times and a range of 1–21 times.

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

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

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

23 (7) Stealthing exposes victims to physical risks
24 including pregnancy and sexually transmitted dis-
25 eases.

1 (8) People engaging in sexual intercourse have
2 the right to make decisions about whether to use a
3 condom or other sexual protection barrier.

4 **SEC. 3. NON-CONSENSUAL SEXUAL PROTECTION BARRIER**
5 **REMOVAL.**

6 (a) CIVIL ACTION.—Any person may commence a
7 civil action against a person who, in a circumstance de-
8 scribed in subsection (b), engages in non-consensual sex-
9 ual protection barrier removal.

10 (b) CIRCUMSTANCES DESCRIBED.—For the purposes
11 of subsection (a), the circumstances described in this sub-
12 section are that—

13 (1) the defendant traveled in interstate or for-
14 eign commerce, or traveled using a means, channel,
15 facility, or instrumentality of interstate or foreign
16 commerce, in furtherance of or in connection with
17 the conduct described in subsection (a);

18 (2) the defendant used a means, channel, facil-
19 ity, or instrumentality of interstate or foreign com-
20 merce in furtherance of or in connection with the
21 conduct described in subsection (a);

22 (3) a payment of any kind was made, directly
23 or indirectly, in furtherance of or in connection with
24 the conduct described in subsection (a) using any
25 means, channel, facility, or instrumentality of inter-

1 state or foreign commerce or in or affecting inter-
2 state or foreign commerce;

3 (4) the defendant transmitted in interstate or
4 foreign commerce any communication relating to or
5 in furtherance of the conduct described in subsection
6 (a) using any means, channel, facility, or instrumen-
7 tality of interstate or foreign commerce or in or af-
8 fecting interstate or foreign commerce by any means
9 or in manner, including by computer, mail, wire, or
10 electromagnetic transmission;

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

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

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

22 (c) PENALTY.—A person bringing a civil action under
23 subsection (a) may recover compensatory and punitive
24 damages, injunctive and declaratory relief, and such other
25 relief as a court may deem appropriate.

1 (d) DEFINITIONS.—In this section:

2 (1) NON-CONSENSUAL SEXUAL PROTECTION
3 BARRIER REMOVAL.—The term “non-consensual sex-
4 ual protection barrier removal” means removal of a
5 sexual protection barrier from a body part, including
6 the genitals, or an object being used by a person for
7 sexual contact with another person without the con-
8 sent of each person involved in such sexual contact,
9 causing sexual contact between the body parts, in-
10 cluding the genitals, or objects being used for sexual
11 contact, and the body of any person engaged in such
12 sexual contact.

13 (2) SEXUAL PROTECTION BARRIER.—The term
14 “sexual protection barrier” includes a condom, in-
15 cluding an internal condom, a dental dam, or any
16 other barrier against sexual fluids during sexual con-
17 tact.

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