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H.641

Introduced by Introduced by Representatives Gonzalez of Winooski and
Morris of Bennington

Referred to Committee on

Date:

Subject: Crimes and criminal procedure; sexual assault; definitions; consent

Statement of purpose of bill as introduced: This bill proposes to amend the
definition of consent for purposes of sexual assault.

An act relating to the definition of consent

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 3251 is amended to read:

§ 3251. DEFINITIONS

As used in this chapter:

(1) A “sexual act” means conduct between persons consisting of contact
between the penis and the vulva, the penis and the anus, the mouth and the
penis, the mouth and the vulva, or any intrusion, however slight, by any part of
a person’s body or any object into the genital or anal opening of another.

(2) “Sexual conduct” means any conduct or behavior relating to sexual
activities of the complaining witness, including ~~but not limited to~~ prior

1 experience of sexual acts, use of contraceptives, living arrangement, and mode
2 of living.

3 (3) "Consent" means words or actions by a person affirmatively
4 indicating a voluntary agreement to engage in a sexual act. Lack of protest or
5 resistance shall not be deemed to indicate consent. Consent must be ongoing
6 throughout the sexual activity and can be withdrawn at any time.

7 * * *

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2016.