

# Sexual Consent in New Jersey

## *What is Sexual Consent?*

**MUTUAL** - All agree and feel comfortable

**CHOICE** - All are aware and want to engage in sexual activity

**COMMUNICATED** - Actively and thoroughly discussed by all participants

**INFORMED** - Risks are discussed and understood, and participants feel safe

**WITHOUT FEAR** - There is no pressure, threats, coercion, bargaining, or manipulation

## *Consent is Needed for:*

**EVERY TIME** you engage in sexual activity

**SPECIFIC** sexual activity, for each sexual act

**INCREASED** sexual activity/changes in sexual activity

**RECURRING** sexual activity, any time, even if consent was previously given

**Consent can be withdrawn**  
at any time for any reason

*NJ law says it is illegal to engage in sex in the following scenarios:*

**1** If someone engages in sexual activity with a person who is **under the age of 13**

**2** If someone is **4+ years older** than anyone who is **13 or older and under the age of 16** (between 13-15 years old)

**3** If someone is having sex with someone **under 18 years old** in exchange for **anything of value** (money, shelter, clothes, etc.)

**4** If someone who has **authority over** or the **duty to care** for someone **under 18 years old** and engages in sexual activity with that person (a family member, someone in a supervisory role, teacher, coach, police officer, religious leader, group home staff, etc.)

**5** If someone **knows or should know** that a person of **any age** is:

☀ Physically, intellectually or mentally incapacitated due to drugs or alcohol

☀ Unconscious or sleeping

☀ Incapable of providing consent due to a lack of understanding from an intellectual/cognitive/mental disability or psychological disorder

☀ Developmentally disabled, they cannot consent to anyone who has authority over them or to a governmental caregiver

☀ Physically forced, coerced, manipulated, threatened or intimidated

**Sexual Violence:** Any form of unwanted, unwelcome or coercive sexual behavior. Includes but is not limited to: sexual harassment, stalking or cyber-stalking, inappropriate touching, lewdness, or penetration without consent.

**Sexual Assault:** The penetration, no matter how slight, in which physical force or coercion is used or in which the victim is physically or mentally incapacitated.

**Sexual Consent is the presence of an enthusiastic, communicated, mutual agreement between participants who are of age, of equal power, and able to freely make a choice without pressure.**

**Questions about Consent?**

Call the Statewide 24-Hour Sexual Violence Hotline: 1-800-601-7200



**Consideration. Communication. Consent.**

# Steps of Consent

**STEP 1** Direct Communication is the best way to know whether someone else is comfortable.

## *Stating Your Expectations For Consent*

**SAY:**

I am deserving of relationships that are healthy, consensual and respectful of my boundaries.

I am open to talking about consent.

I have the right to be safe and respected.

I have the right to change my mind at anytime.

## *How to Obtain Consent*

**ASK:**

Is it ok to...?

Can I...?

Are you okay with...?

Would you like me to...?

Is this still okay?

**STEP 2** Listen to the response.

## *When You Have Obtained Consent*



**RESPONSE:**

Yes!

Let's do it!

I'm okay with...

Sure!

I'm comfortable with...

I'm ready

Oh yeah!

Sounds good!

I want to...

Let's go!

## *When You Have Not Obtained Consent*



**RESPONSE:**

Silence

Uhhh...

No

I don't feel comfortable

I don't want to anymore

I'm not sure

Stop

I'd rather not

Not now

I don't know

**STEP 3** Respect one another's boundaries and comfort levels.

**STEP 4** Check in by communicating before and during any and all types of sexual activity, every time.

For more information on communicating consent, check out videos here:

[www.preventchildabuse.nj.org/sexual-consent](http://www.preventchildabuse.nj.org/sexual-consent)

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