

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Consent can be withdrawn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 is **under the age of 13**

2 If someone is **13 or older and under the age of 16**, they cannot consent to sexual activity with anyone over 4 years older than them

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

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

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.

5 At any age when a person 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 or coerced (manipulated, threatened or intimidated)

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

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