



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2979

Introduced 1/5/2022, by Sen. Christopher Belt

SYNOPSIS AS INTRODUCED:

New Act

Creates the Nonconsensual Sexually Protective Device Removal or Tampering Act. Defines terms. Provides that a person commits nonconsensual sexually protective device removal by causing contact between a sexual organ, from which a sexually protective device has been intentionally removed, and the intimate part of another who did not consent to the sexually protective device being removed or by causing contact between an intimate part of the person and a sexual organ of another from which the person intentionally removed a sexually protective device without consent. Provides that a person commits nonconsensual sexually protective device tampering by causing contact between a sexual organ, with a sexually protective device that has been intentionally tampered with, and the intimate part of another who did not consent to the sexually protective device being tampered with or by causing contact between an intimate part of the person and a sexual organ of another with a sexually protective device that has been intentionally tampered with without consent. Provides that a person who commits nonconsensual sexually protective device removal or tampering is liable to the other person for damages, and the court may further award equitable relief for the other person. Requires that the trier of fact consider previous findings of liability for nonconsensual sexually protective device removal or tampering when awarding punitive damages. Provides that the Act does not affect a remedy available under any other laws of the State.

LRB102 22203 LNS 31333 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Nonconsensual Sexually Protective Device Removal or Tampering
6 Act.

7 Section 5. Definitions. As used in this Act:

8 "Consent" means a freely given agreement given through
9 affirmative, conscious, voluntary, and verbal authorization by
10 an individual with legal capacity to give authorization.

11 "Contact" means any intentional touching.

12 "Intimate part" means the sexual organ, anus, groin, or
13 buttocks of any person, or the breast of a female.

14 "Sexually protective device" means any of the following
15 intended to prevent pregnancy or sexually transmitted
16 infection: male or female condom; spermicide; diaphragm;
17 cervical cap; contraceptive sponge; dental dam; or another
18 physical device intended to prevent pregnancy or sexually
19 transmitted infection.

20 "Tamper" means any action intended to weaken the efficacy
21 of a sexually protective device, including, but not limited
22 to, ripping, cutting, poking holes, or otherwise making the
23 device ineffective.

1 Section 10. Causes of action.

2 (a) A person commits nonconsensual sexually protective
3 device removal by:

4 (1) causing contact between a sexual organ, from which
5 a sexually protective device has been intentionally
6 removed, and the intimate part of another who did not
7 consent to the sexually protective device being removed;
8 or

9 (2) causing contact between an intimate part of the
10 person and a sexual organ of another from which the person
11 intentionally removed a sexually protective device without
12 consent.

13 (b) A person commits nonconsensual sexually protective
14 device tampering by:

15 (1) causing contact between a sexual organ, with a
16 sexually protective device that has been intentionally
17 tampered with, and the intimate part of another who did
18 not consent to the sexually protective device being
19 tampered with; or

20 (2) causing contact between an intimate part of the
21 person and a sexual organ of another with a sexually
22 protective device that has been intentionally tampered
23 with without consent.

24 Section 15. Remedies.

1 (a) A person who commits nonconsensual sexually protective
2 device removal or tampering against another is liable to that
3 person for damages, including, but not limited to:

- 4 (1) general damages;
5 (2) special damages; and
6 (3) punitive damages.

7 (b) The court, in an action brought against a person for
8 violation of this Act, may award equitable relief to the
9 plaintiff, including, but not limited to:

- 10 (1) an injunction;
11 (2) attorney's fees and costs; and
12 (3) any other relief the court deems proper.

13 (c) In determining punitive damages, a trier of fact shall
14 consider a previous finding of liability against a defendant
15 for committing nonconsensual sexually protective device
16 removal or tampering against another.

17 Section 20. Other laws. This Act does not affect any
18 remedy available under any other laws of this State.