



New York State Coalition Against Sexual Assault

Working for a World Without Violence.

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NYSCASA Statement on Gov. Cuomo's Proposal to Close the Rape Intoxication Loophole

The New York State Coalition Against Sexual Assault (NYSCASA) supports Governor Andrew Cuomo's proposal to close the 'rape intoxication loophole' in New York State law.

Under New York Penal Law, if a survivor of sexual violence was voluntarily intoxicated, prosecutors cannot bring a case against the person who has harmed them, even if the survivor did not or was unable to consent to sexual activity. This loophole penalizes survivors for drinking alcohol and allows people who have committed sexual harm to avoid accountability. Moreover, it reinforces rape culture by implying that the survivor is to blame for what happened to them because they were drinking. One's ability to affirmatively consent to sexual activity is jeopardized whether they were voluntarily or involuntarily intoxicated. Sexual violence is never the fault of the survivor; it is always the fault of the person who chose to do harm.

Governor Andrew Cuomo proposes to amend the law so that survivors of sexual violence are protected, regardless of whether they voluntarily or involuntarily consumed alcohol. The proposal will ensure that survivors have access to justice and that people who choose to do harm are held accountable. NYSCASA commends the Governor's office for advancing legislation that helps to protect all survivors of sexual violence.