



NEW YORK STATE SENATOR

Alessandra Biaggi

NYS SENATE PASSES SENATOR BIAGGI'S BILL TO CLOSE VOLUNTARY INTOXICATION LOOPHOLE

ALESSANDRA BIAGGI July 21, 2020

ALBANY, NY – Today, July 21st, the New York State Senate passed State Senator Alessandra Biaggi's legislation, [S6679C](#), to close the voluntary intoxication loophole in the penal law.

[S6679C](#) amends the penal law to make it clear that a victim who is voluntarily intoxicated to a degree which renders the person temporarily incapable of appraising or controlling his or her conduct and whose condition is known or should reasonably be known is incapable of consenting for the purposes of rape in the 3rd degree, criminal sexual acts in the 3rd degree, sexual misconduct, forcible compulsion, and oral or anal sexual conduct. This will allow prosecutors to bring cases where the victim was incapacitated due to drug or alcohol consumption, but did not meet the standard of mental incapacitation required for rape in the 2nd degree or physical helplessness required for rape in the 1st degree.

State Senator Alessandra Biaggi (D-Bronx/Westchester) issued the following statement:

“The voluntary intoxication loophole perpetuates a dangerous routine of victim-blaming, and encourages New Yorkers to change their behavior in order to avoid sexual assault instead of holding perpetrators accountable. This bill draws a clear line in the sand — assault is assault and all New Yorkers should be protected irrespective of whether they are voluntarily intoxicated or not. In New York we say that we believe survivors and support

them unequivocally. If we want to live up to those declarations, we must pass this bill immediately. I urge the Assembly to vote this week and join the Senate in standing with survivors.”

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RELATED LEGISLATION

2019-S6679C

- Introduced

- - In Committee Assembly
 - In Committee Senate

- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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Prohibits the use of intoxication of the victim as a defense in sex crimes

August 30, 2019

In Assembly Committee

Sponsored by **Alessandra Biaggi**

Do you support this bill?