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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4384

03/17/2022

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to civil actions; authorizing a civil cause of action for the nonconsensual
1.3 removal of a condom; providing penalties; proposing coding for new law in
1.4 Minnesota Statutes, chapter 604.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 604.32 CAUSE OF ACTION; NONCONSENSUAL REMOVAL OF A
1.7 CONDOM.

1.8 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.9 the meanings given.

1.10 (b) "Condom" means a thin sheath worn on a person's penis during a sexual act as a
1.11 contraceptive or as a protection against infection.

1.12 (c) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, or
1.13 the breast of a female.

1.14 (d) "Sexual battery" means an act that causes contact between a sexual organ, from
1.15 which a condom has been removed, and the intimate part of another who did not verbally
1.16 consent to the removal of the condom.

1.17 Subd. 2. Civil action; damages. (a) A person who commits a sexual battery upon another
1.18 is liable to that person for damages, including but not limited to general damages, special
1.19 damages, and punitive damages.

1.20 (b) In addition to the damages under paragraph (a), the court may award the following
1.21 damages to a prevailing plaintiff from a person found liable under this section:

1.22 (1) a civil penalty of an amount up to \$10,000;

2.1 (2) equitable relief, including an injunction, costs, and any other relief the court deems
2.2 appropriate; and

2.3 (3) reasonable attorney fees.

2.4 (c) The rights and remedies provided in this section are in addition to any other rights
2.5 and remedies provided by law.

2.6 Subd. 3. **Confidentiality.** The court shall allow confidential filings to protect the privacy
2.7 of the plaintiff in cases filed under this section.

2.8 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to causes
2.9 of action accruing on or after that date.