

From: [Peel, Jackson](#)
To: [Press](#)
Subject: FOR IMMEDIATE RELEASE: Senator Stewart and Representative Slosberg File Bill Concerning Sexual Battery upon a Mentally Incapacitated Person
Date: Monday, November 8, 2021 2:03:35 PM

FOR IMMEDIATE RELEASE

November 8, 2021

CONTACT

Thomas Wilmouth
Office of Representative Emily Slosberg
Thomas.Wilmouth@myfloridahouse.gov
850.717.5091

Dustin Paulson
Office of Senator Linda Stewart
Paulson.Dustin@flsenate.gov
850.487.5013

Senator Linda Stewart and Representative Emily Slosberg File Bill Concerning Sexual Battery upon a Mentally Incapacitated Person

Tallahassee, FL – Today, **Senator Linda Stewart (D-Orlando)** and **Representative Emily Slosberg (D-Boca Raton)** announce [HB 525](#) and [SB 868](#) which clarifies the law concerning what constitutes sexual battery upon a person impaired by drugs of alcohol under Florida Statutes [§794.011](#). By this legislation, an offender commits the aggravated crime if the offender knows, or has reason to believe, the victim is mentally incapacitated due to the ingestion of drugs and or alcohol. The current version of the law only criminalizes such conduct if the offender provided the intoxicating alcohol or drugs, or knew another did, without knowledge or consent of the victim.

“Currently there is a defense to sexual battery of an intoxicated person if the offender did not provide the drugs or alcohol to the victim,” said **Representative Slosberg**. “This Bill changes that and makes it clear that a sexual battery is committed regardless of who provided the victim with the intoxicants.”

According to the Rape, Abuse & Incest National Network (RAINN), more than one (1) in six (6) women report being sexually assaulted while incapacitated from alcohol and drugs in just their freshman year of college. In Florida, and many other places, it is not considered rape if the survivor decided to drink or do drugs. Blame for the rape is placed on the victim, rather than the rapist, who took advantage of someone who could not consent. Florida should not be a place where rape doesn't count if the victim is drunk.

Nothing in this legislation changes the fact that the State is required to prove beyond

a reasonable doubt that the victim did not intelligently, knowingly and voluntarily consent.

“This is common sense – sexual assault that occurs when a victim is mentally incapacitated should be treated the same as any other case when the victim is unable to consent,” said **Senator Stewart**. “Offenders who take advantage of someone’s incapacitation – whether they caused it or not – should be held accountable.”

#