

ONE HUNDRED EIGHTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE RESOLUTION 371**

Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to examine the status of laws relating to consent and campus sexual assault in Nebraska. Under current Nebraska statutes, an absence of consent to sexual activity can be shown when the victim is compelled to submit by force, the threat of force, coercion, or deception; and a lack of consent can be expressed through words or conduct of the victim.

According to the Association of American Universities, nationwide, thirteen percent of all students have experienced sexual assault, and nearly twenty-five percent of undergraduate women have experienced some form of sexual assault. Given the pervasive occurrence of sexual violence on college campuses, in recent years some states have adjusted their laws governing consent to make it clear that consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. This interim study is meant to examine whether Nebraska's consent laws are sufficient to address campus sexual assault.

The interim study shall include, but not be limited to, an examination of:

(1) The law governing consent in Nebraska, including both statutes and case law;

(2) A review of such laws in other states and the evolution of such laws;

(3) Statutory reforms that may be necessary to ensure the safety of students on campus;

(4) Campus sexual assault policies in Nebraska and nationally; and

(5) Strategies that have been effective in reducing sexual assault on college campuses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH

LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.