

Was I Raped?

If you believe that you have been raped or sexually assaulted please call at 1.800.656.HOPE (press ONE at the menu) to discuss options for care and support. If you'd like to report the attack to police, call 911.

There are three main considerations determining whether or not a sexual act is consensual or is a crime. "Consensual" means that both people are old enough to consent, have the capacity to consent, and agreed to the sexual contact.

1. Are the participants old enough to consent?

Each state sets an "age of consent" which is the minimum age someone must be to have sex. People below this age are considered children and cannot legally agree to have sex. In other words, even if the child or teenager says yes, the law says no.

- In most states, the age of consent is 16 or 18. In some states, the age of consent varies according to the age difference between the participants. Generally, "I thought she was 18" is not considered a legal excuse — it's up to you to make sure your partner is old enough to legally take part.
- Because laws are different in every state, it is important to call us to find out more about the laws in our state.

2. Did both participants have the capacity to consent?

States also define who has the mental and legal capacity to consent. Those with diminished capacity — for example, some people with disabilities, some elderly people and people who have been drugged or are unconscious — may not have the legal ability to agree to have sex. These categories and definitions vary widely by state, so it is important to call us and find out more about the laws in our state.

3. Did all participants agree to take part?

Did someone use physical force to make you have sexual contact with him/her? Has someone threatened you to make you have intercourse with them? If so, it is rape.

- It doesn't matter if your partner thinks you meant yes, or if you've already started having sex — "No" also means "Stop." If your partner proceeds despite your expressed instruction to stop, they have not only violated basic codes of morality and decency, they may have also committed a crime under the laws of your state (check your state's laws for specifics).

Common Questions:

• I didn't resist physically — does that mean it isn't rape?

People respond to an assault in different ways. Just because you didn't resist physically doesn't mean it wasn't rape — in fact, many victims make the conscious decision that physical resistance would cause the attacker

to become more violent. Lack of consent can be expressed (saying "no") or it can be implied from the circumstances (for example, if you were under the statutory age of consent, if you were temporarily incapacitated, or if you were afraid to object because the perpetrator threatened to harm you or a loved one).

- **I used to date the person who assaulted me — does that mean it isn't rape?**

Rape can occur when the offender and the victim have a pre-existing relationship (sometimes called "date rape" or "acquaintance rape"), or even when the offender is a victim's spouse. It does not matter whether the other person is an ex-lover or a complete stranger, and it doesn't matter if you've had sex in the past.

- **I don't remember the assault — does that mean it isn't rape?**

Just because you don't remember being assaulted doesn't necessarily mean it didn't happen and that it wasn't rape. Memory loss can result from the ingestion of GHB and other "rape drugs," and from excessive alcohol consumption. Note, without clear memories or physical evidence, it may be more difficult to pursue prosecution (talk to us or your local police for guidance).

- **I was asleep or unconscious when it happened — does that mean it isn't rape?**

If you were asleep or unconscious, then you didn't give consent. Note, though, that without clear memories or physical evidence, it may be more difficult to pursue prosecution (talk to us or your local police for guidance).

- **I was drunk or he was drunk — does that mean it isn't rape?**

Alcohol and drugs are not an excuse — or an alibi. The key question is still: did you consent or not? Regardless of whether you were drunk or sober, if the sex is nonconsensual, it is rape. If you were unconscious due to drug or alcohol consumption, that means you were unable to give consent.

- **I thought "no," but didn't say it — does that mean it isn't rape?**

It depends on the circumstances. If you didn't say "no" because you were legitimately scared for your life or safety, then it may be rape. Sometimes it isn't safe to resist, physically or verbally.

If you've been raped or sexually assaulted, or even if you aren't sure, contact us at 1.800.656.HOPE (press ONE at the menu) or get live help from the [Online Hotline](#).