What is drug-facilitated sexual assault?

Drug-facilitated sexual assault involves the administration of an anesthesia-type drug to render a victim physically incapacitated or helpless and thus incapable of giving or withholding consent. Victims may be unconscious during all or parts of the sexual assault and, upon regaining consciousness, may experience anterograde amnesia—the inability to recall events that occurred while under the influence of the drug.

How prevalent are drug-facilitated sexual assaults?

There are no conclusive estimates as to the number of drug-facilitated sexual assaults that occur each year; however, nationwide law enforcement reporting indicates that the number of such assaults appears to be increasing. Many drug-facilitated sexual assaults are not reported. Victims often are reluctant to report incidents because of a sense of embarrassment, guilt, or perceived responsibility, or because they lack specific recall of the assault. Moreover, most of the drugs typically used in the commission of sexual assaults are rapidly absorbed and metabolized by the body, thereby rendering them undetectable in routine urine and blood drug screenings.

What drugs are used in the commission of drug-facilitated sexual assaults?

Sexual assaults have long been linked to the abuse of substances, primarily alcohol, that may decrease inhibitions and render the user incapacitated. In addition to alcohol, the drugs most often implicated in the commission of drug-facilitated sexual assaults are GHB, Rohypnol (a benzodiazepine), ketamine, and Soma (see below), although others, including other benzodiazepines and other sedative hypnotics, are used as well. These drugs often render victims unconscious—an effect that is quickened and intensified when the drugs are taken with alcohol. A person also may become a victim after taking such a drug willingly. Because of the sedative properties of these drugs, victims often have no memory of an assault, only an awareness or sense that they were violated.

Where do perpetrators obtain drugs used to facilitate sexual assaults?

Drugs used in sexual assaults typically are distributed at raves, dance clubs, and bars, but they are increasingly being sold in schools, on college campuses, and at private parties. Some of these drugs also are purchased via the Internet while others, particularly prescription benzodiazepines, are often found in homes. Law enforcement reporting indicates that these drugs are widely available in most urban areas and are becoming increasingly available in suburban and rural communities.
Is drug-facilitated sexual assault illegal?

Yes, drug-facilitated sexual assault is illegal. Most of the drugs typically used to facilitate sexual assaults—GHB, ketamine, and Rohypnol—are designated as controlled substances under the Controlled Substances Act of 1970. The Drug-Induced Rape Prevention and Punishment Act of 1996 (Public Law 104-305) modified 21 U.S.C. § 841 to provide penalties of up to 20 years imprisonment and fines for persons who intend to commit a crime of violence (including rape) by distributing a controlled substance to another individual without that individual’s knowledge.

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