RESOLUTION

RESOLVED, That the American Bar Association urges legislatures and courts to define consent in sexual assault cases as the assent-consent of a person who is competent to give consent to engage in a specific act of sexual penetration, oral sex, or sexual contact, to provide that consent is expressed by words or action in the context of all the circumstances, provided that nothing herein changes the Constitutionally-guaranteed presumption of innocence, or the burden of proof, which at all times remains on the prosecution to prove every element of an offense, including without limitation lack of consent, beyond a reasonable doubt, and to reject any requirement that sexual assault victims have a legal burden of verbal or physical resistance.

Deletions struck through; additions underlined