

## **Testimony Supporting House Bill 412**

Anna Gerstein and Damiana Colley (Preventing Sexual Assault UMD)

February 21, 2023

**Committees:** Judiciary

**Testimony on:** HB412 - changing the focus to whether there is clear and voluntary agreement between the people involved.

**Position:** Favorable

The University of Maryland – College Park, Preventing Sexual Assault urges the Judiciary Committee to report favorably on House Bill 412 changing the focus to whether there is a clear and voluntary agreement between the people involved.

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Preventing Sexual Assault is an entirely student-run organization dedicated to advocating for students, spreading awareness, and implementing action to prevent sexual assault and change rape culture at the University of Maryland. We protect and uplift survivors as well as act as the voice for students in all matters related to Title IX and power-based violence. PSA leads many education and prevention programs to engage the community and create space for survivors and students.

Hello everyone. My name is Anna Gerstein and I am currently a Senior in the School of Public Policy at the University of Maryland. I am passionate about change: I work as a legal intern for the City of Baltimore Court Circuit under an honorable Judge, I spend my days in college classes educating myself on policy issues and the impact legislation has on issues such as preventing sexual assault, and I am one of the Presidents of PSA. In my first semester of college at UMD, I was sexually assaulted by an athlete at the University of Maryland which significantly impacted my mental health, my grades, and my ability to trust others. Whenever I talk to someone romantically, I have to explain to them how I got sexually assaulted, resulting in explaining why sexual intercourse is a sensitive topic for me. For six months after my assault, each Thursday, I had to see a psychologist, to whom I would cry about how disgusted I felt with myself. Each Tuesday, I had to visit a Pelvic Floor Therapist, who had to teach me how to correctly insert tampons. I had been using tampons since I was 15 years old and at 20, after my assault, my body wouldn't let me. She would also have conversations with me on how to safely have sexual intercourse again, at a time that was best for me when I felt more comfortable. The impact that this assault had on me was significant.

Hello everyone. My name is Damiana Colley and I am a Junior at the University of Maryland double majoring in Psychology and Criminal Justice/Criminology and I am the other President for PSA. Issues related to power-based violence and victim services are extremely important to me, and I have long been passionate about preventing them and supporting victims, through formal training, working in the Governor's Office of Crime Prevention, Youth, and Victim Services, and being involved in everyday activism. Addressing sexual assault comes with addressing the wide (and unfortunate) range of systemic issues. Including, but not limited to, power-based violence, homophobia, transphobia, sexism, toxic masculinity, racism, classism, fatphobia, lack of access to education, etc, etc, etc. My work and knowledge in this area has helped me realize that violence of this nature has become a public health issue that requires solutions centered around multidisciplinary acts, not just reactionary or punitive measures. I will not stand silent for an issue that is not only extremely personal to me, but one that I realize affects everyone. This issue will unfortunately persist, but if we work to destigmatize talking about sexual relations, dismantle systems of oppression, support and believe survivors, enact helpful and clear standards after a victimization, build preventative measures through education and awareness of the interconnected topics, and so much more, I hope that one day this issue will exist once in a blue moon. And it could start with this Bill.

House Bill 412 would change Maryland's rape law to focus on whether there is a clear and voluntary agreement between the people involved. This also includes the right to withdraw consent, and communication through words or conduct. Consent is NOT: what someone is wearing, if you have engaged in sexual activity before, or if you have been in or are currently in a relationship.

Every week, Damiana and I use our time to talk to university clubs, athletics, greek life etc. about the importance of consent. Clarifying the definition of what consent is in the state of Maryland through official legislative language, eliminates the possibility for interpretation. A punitive outcome for violating a behavior categorized as a law, will be a deterrent for non-consensual behavior. More than anything, however, it helps educate people about why consent is important and why a lack of consent is harmful. As college students, we are very aware of the prevalence and impact that sexual assault has on individuals, and we believe there is an urgency to push legislation requiring sexual assault prevention policies. Not only is this important for the state of Maryland, but it also sets a standard for improvement surrounding policies of power-based violence across the country. We believe the enforcement of House Bill 412 is critical for survivors to feel validated and safer within Maryland's criminal justice system. Everyone deserves to have their case heard and believed. Maryland Legislation enforcing voluntary and clear agreement when it comes to sexual acts, will ensure that perpetrators of

sexual violence will be held accountable and it will protect survivors from facing retraumatization and the hardship that we have often had to face as sexual assault survivors.

By supporting this bill, we believe it will demonstrate that the State is dedicated to taking a survivor-centered approach in instances of violence. Enacting this bill is the first step, but it is one that is necessary to build a better, and safer, Maryland.

Thank you for your time and consideration.



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