

Testimony Supporting Senate Bill 758

Holly Murphy

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My name is Holly Murphy. I am a second-year student majoring in Women's Studies at Community College of Baltimore County. I completed an internship with the Maryland Coalition Against Sexual Assault (MCASA) from October 5th, 2023, to December 5th, 2023. MCASA is a federally recognized state organization that was initially established by the 13 rape crisis centers in Maryland. Its mission is to prevent sexual assault and advocate for accessible, compassionate care for survivors of sexual assault.

Senate Bill 758 aims to reform Maryland's rape law by emphasizing the presence of clear and voluntary agreement between individuals involved. The proposed definition of consent encompasses the following key points:

- Clear and voluntary agreement.
- Recognition of the right to withdraw consent at any point.
- Communication of consent through verbal expression or actions.
- Exclusion of factors such as clothing worn by an individual, prior relationship between parties, or consent obtained through fear, threat, or coercion as valid forms of consent.
- Not mandating documentation as a requirement for establishing consent.

This bill seeks to provide a more comprehensive and victim-centered approach to addressing issues of sexual consent within the legal framework of Maryland.

As a survivor of rape and an advocate, I was deeply disturbed to discover that Maryland's current law requires more than just the absence of consent to establish rape. The lack of a clear definition of consent in Maryland creates significant ambiguity and allows for too much discretion when attempting to hold offenders accountable. Furthermore, it re-traumatizes victims by forcing them to prove that their consent was not already given and should not be assumed as an automatic agreement. This ambiguity undermines the pursuit of justice for survivors and perpetuates a system that fails to adequately protect and support victims of sexual assault.

I strongly urge the Judiciary Committee to report favorably on Senate Bill 758.