



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 248
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence in the State of Maryland. We urge the Judiciary Committee to report favorably on House Bill 248.

House Bill 248

Protective Orders – Removing Time Limit for Protective Orders Based on Sexual Assault and Enacting Survivor-Centered Language

HB248 resolves concerns about the statutory phrase “sexual relationship” by created separate provisions clarifying that a petition for a protective order may be filed if there is an allegation that a sexual crime is the basis for the protective order. Sexual crimes are also removed as a basis for a peace order. This bill will permit petitioners to seek a protective order based on sexual violence at any time, effectively eliminating the one year statute of limitations some survivors face in the current law.

The law should be clear that all sexual assault survivors have access to the higher level of protection that protective orders provide. At least 66% of all rapes and sexual assaults are committed by someone who is known to the victim. 27.4% of perpetrators were a spouse or someone well-known to the victim, and 26.6% were a casual acquaintance of the victim. *U.S. Department of Justice, National Crime Victimization Survey, 2006*. All of these survivors should have access to protective orders. Protective orders provide stronger relief than peace orders. Their duration is longer, there are options for 2 year and permanent orders, and enforcement is generally more stringent.

Sexual assault survivors should not face a one year statute of limitation on filing for a protective order. The statute prevents some rape survivors from filing for a protective order if the assault occurred more than one year ago. Sexual assault survivors frequently delay reporting, making this time limit especially burdensome.

The phrase “sexual relationship” discourages rape survivors from seeking protection and has confused some courts. While there is general consensus that the relationship between a victim and perpetrator is a sexual one when the perpetrator committed a sex crime, referring to a rapist as someone the victim had a “sexual relationship” with is offensive to many survivors and inconsistent with common use of the word “relationship.” This has led survivors, lay advocates, and even some judges to interpret the current statute as permitting protective orders only when the parties have a dating relationship involving sexual intimacy. Some survivors report being told by the courts to file a petition for peace order, only to be told they must file for a protective order when they return to court. Others start with protective order petitions, only to be told later to file for a peace order. Whatever the merits of various legal analysis, clarification would benefit litigants and be more respectful of sexual assault survivors.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 248**