

SB0391 Victims of Sexually Assaultive Behavior FAV

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0391
Criminal Procedure - Victims of Sexually Assaultive Behavior

Bill Sponsor: Senator Lewis Young

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0391 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

One of the most disturbing and debilitating things about victimhood is the feeling that you are no longer in control of your own life. Decisions are taken from you and you are left to suffer their consequences. If a State's Attorney determines not to charge your abuser, after you have had the courage to come forward, you should at least be able to understand why. Someone should have the courage to face you to help you understand.

This is common decency to the victim. It should not have to be legislated, but we live in a world where the victim, and their rights are often overlooked. It is such a simple thing to at least have an Assistant State's Attorney show the victim the respect of being heard.

We support this bill and recommend a **FAVORABLE** report in committee.

Sexual Assault Cover Letter.pdf

Uploaded by: Karen Lewis Young

Position: FAV

KAREN LEWIS YOUNG
Legislative District 3
Frederick County

Committee on Education, Energy,
and the Environment



James Senate Office Building
11 Bladen Street, Room 302
Annapolis, Maryland 21401
410-841-3575 · 301-858-3575
800-492-7122 Ext. 3575
Karen.Young@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 20, 2023

Support of SB 391 – Criminal Procedure – Victims of Sexually Assaultive Behavior

The Honorable William C. Smith, Chair

Judiciary Committee

Maryland Senate

11 Bladen Street, Room 302

Annapolis, MD 21401

Chair Smith, Vice-Chair Waldstreicher, and Esteemed Members of the Judiciary Committee:

Senate Bill 391 improves the communication process for survivors of sexual assault when they are informed that prosecutors are declining to charge their attackers. The same bills (House Bill #270 – 2021 and House Bill #225 - 2022) passed the House of Delegates. However, they were not voted on in the Senate.

After conversations with a constituent who reported a sexual assault, I drafted this legislation with the input of an advocacy group as well as an Assistant State's Attorney. The Chief of Police in my district also voiced a strong need for this legislation.

In this particular case, the State's Attorney initially chose not to file charges and did not contact the survivor with an explanation. Under this legislation, the survivor has the right to request a meeting with an Assistant State's Attorney (ASA) with knowledge of the case. That meeting is required to occur within twenty days of the request, at which time the ASA can explain why the office did not move forward and answer questions of the survivor.

According to the U.S. Justice Department, only 23% of survivors report their assault, and only 20% of those reports lead to charges. Some survivors report hearing nothing after filing charges against their assailant. The Rape, Abuse, and Incest National Network (RAINN) report that 995 of every 1000 sexual assault perpetrators will never face prison.

Women of color and LGBTQ+ people are disproportionately affected by sexual assault and are less likely to report their attackers. With the majority of reported cases of sexual assault never leading to arrests or prosecution, countless survivors face the daunting task of sharing the stories

of their attacks to police officers and prosecutors, only for prosecutors to decline pressing charges.

Maryland can make a statement of support for sexual assault survivors by reforming and improving this process. For these reasons, I urge you to support SB 391, and I request a favorable report.

Thank you,

A handwritten signature in blue ink that reads "Karen Lewis Young". The signature is written in a cursive, flowing style.

Senator Karen Lewis Young

CVR - required meeting with SAO - testimony - sena

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
www.mcasa.org

For more information contact:
Lisae C. Jordan, Esquire

Testimony Supporting Senate Bill 391
Lisae C. Jordan, Executive Director & Counsel
February 21, 2023

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. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 391.

Senate Bill 391

Communication with Survivors of Sexual Violence -- Required Meeting with Prosecutor

Sexual assault continues to be one of the most under-reported and under-prosecuted crimes. For every one-thousand sexual assault, an estimated nine are referred to prosecutors. See, <https://www.rainn.org/statistics/criminal-justice-system>.

Attorneys at the Sexual Assault Legal Institute (SALI) provide representation and counsel to over 400 sexual assault survivors annually, many of whom have questions about the criminal justice system and their options. A shocking number of clients tell us that they have reported the crime and heard nothing since. SB391 was prompted by the senate sponsor's constituent having this experience. It is unfortunate that legislation is needed to address what should be a standard practice and support for survivors.

There is no question that successful prosecution of sexual assault is difficult and prosecutors must make hard choices about when to pursue a case and when to dismiss one. However, the survivor should always be given respect and treated with recognition of the trauma involved. SB391 provides this by requiring a meeting and explanation when a State's Attorney Office chooses not to go forward with a case and the victim requests a meeting.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 391**

SB391 FAIR FWA.pdf

Uploaded by: Brenda Jones

Position: FWA

**Favorable with Amendments SB391
Criminal Procedure – Victims of Sexually Assaultive Behavior**

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses.

We have concerns with the use of the word, “victim,” in this bill, when in reality no decision of the court has been made against the alleged suspect. In this situation, there is no defendant and thus, there is no confirmed victim of a crime. Using the word “victim” assumes the alleged suspect is already guilty of a crime.

Furthermore, the bill states, “generally relating to victims’ rights,” but really it should be within anyone’s rights to further pursue clarification on why charges were dismissed or not filed. The accused person should have the option to ask why charges are being dismissed, as well.

FAIR strongly recommends changing the word “victim” to “accuser” in this bill and to expand the ability to request clarification to include both the accused and the accuser.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries
Cell: 301-318-8964