

Committees: Judiciary

Testimony on: HB412

Position: Favorable

17 February 2023

Chair Clippinger, Vice Chair Moon, and the members of the Judiciary Committee,

The University of Maryland, Student Government Association supports HB412 in removing the requirement for use of force or threat to qualify as second-degree rape and in requiring specific facts to be evaluated in determining whether there was a lack of consent in sexual crimes.

As Director of Sexual Misconduct Prevention at the University of Maryland's Student Government Association and as Director of the Title IX Advisory Board, I am well versed on the nuances of consent and how it is misconstrued when evaluating sexual crimes. Lack of consent can be expressed in many ways, despite previous societal misconceptions that lack of consent can only be expressed with a verbal "no". Maryland law ought to reflect the different ways consent is not granted so those who fall victim to sexual crimes are not denied justice because of a lack of comprehensive language in law.

I have spoken to and know of survivors on campus who have refrained from reporting an assault, despite wanting to, in fear that because the word "no" was not explicitly uttered, the event would not be considered assault. They were assaulted. They did not explicitly grant consent and were still violated. This bill helps dispel the outdated narrative of "no means no" because we should be evaluating consent under the language of "yes means yes". Lack of consent happens in a variety of ways, all of which highlighted in the bill: withdrawal or lack of consent can be inferred from words and conduct, consent can be withdrawn at any point before or during intercourse, current or previous relationships do not guarantee consent, and the way an individual dresses or expresses is not consent.

Maryland's criminal law, Section 3-301.1 should reflect the nuances of consent and ensure that a survivor's assault is recognized as such. A lack of comprehensive language need not be the reason survivors of sexual crimes are denied justice.

I respectfully request a favorable vote on HB412.

Thank you,



Aadhiti Vallatharasu, Student Government Association, Director of Sexual Misconduct Prevention Committee
University of Maryland — College Park, MD
avallath@terpmail.umd.edu

Danica Choi, Student Government Association, Deputy Director of Sexual Misconduct Prevention Committee
University of Maryland — College Park, MD
mchoi124@gmail.com