

Testimony Supporting House Bill HB0496
[Danica Choi - SGA Sexual Misconduct Prevention Committee]
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Danica Choi

I am a senior at the University of Maryland, College Park and I am also the Director of Sexual Misconduct Prevention in our Student Government Association. Our committee is open to all students at UMD and strives to tackle the pervasive issue of sexual misconduct on college campuses. The Sexual Misconduct Prevention committee works with organizations on and off campus to push for a better culture and environment in Maryland. For example, SMP recently hosted its annual Reclaim the Red Event to bring awareness to the Red Zone, the time from the first day of classes in the fall to winter break where there is a spike of sexual misconduct cases. We hope to bring awareness to resources for students, promote consent and health relationships, and tackle rape culture.

House Bill 0496 would change Maryland's rape law to focus on whether there is **clear and voluntary agreement** between the people involved.

The definition of consent proposed includes:

- Clear and voluntary agreement
- The right to withdraw consent
- Communication through words or conduct
- Consent is not:
 - what someone is wearing,
 - a prior relationship, or
 - as a result of fear, threat, or coercion
- Documentation is not required

I was shocked to learn that Maryland law requires more than a lack of consent to prove rape. Through my extensive experience working with issues related to sexual misconduct as well as being a Peer Advocate for students experiencing sexual misconduct, I know that force or threat of force is not required to experience rape. I believe this difference must be rectified to provide survivors ample support through the legal process. This law differs drastically from what I have learned in school and what I share with my fellow students. Consent should be required for any sexual penetration or sexual act. Without it, regardless of force or threat of force, it is rape. This bill is essential to our campus as a whole. The way consent is currently defined, invalidates the experiences of many college students and restricts access to help. Our committee strives to promote a comprehensive definition of consent that validates the experiences of students. However, when the current Maryland definition of consent does not match with what is being taught and promoted, it leaves a barrier of access for students to pursue any legal help. This bill would mean a definition of consent that encompasses the experiences of many students. This bill would mean our campus community can continue to strive for better response for sexual misconduct on campus.

I urge the Judiciary Committee to report favorably on House Bill 0496 and ensure that survivors are provided ample support through our system.