

**Testimony in Support of Senate Bill 549**

Civil Actions - Immunity - Disclosure of Allegations of Sexually Assaultive Behavior

**Stop Silencing Survivors Act**

*Before the Judicial Proceedings Committee: February 6, 2025*

The Erin Levitas Initiative for Sexual Violence Prevention (“Levitas Initiative”) is a program based at the University of Maryland Francis King Carey School of Law. The Levitas Initiative uses research-based programming and a restorative approach to prevent sexual violence through early intervention in schools. We strongly urge the Judicial Proceedings Committee to issue a **favorable report on Senate Bill 549**.

**Senate Bill 549 provides critical protection for people who file charges against their sexual attackers by safeguarding them from being sued in civil court.** Imagine this—a college student reports that a classmate sexually assaulted her at an off-campus fraternity party. The student presses charges, and the case ends up in court. Despite presenting compelling evidence at trial, the alleged assaulter is found not guilty under the criminal cases’ heightened standard of proof (“beyond a reasonable doubt”). Without the protection of Senate Bill 549, the survivor may face additional court costs and the psychological trauma of another trial. The cost to rape survivors is already high. One study estimated the “lifetime” cost of rape per victim to be \$122,461<sup>1</sup>. A fear of additional financial and emotional consequences creates a “chilling effect,” discouraging survivors from reporting rape and other sexual assaults. As a result, many acts of sexual violence will continue to go unreported. **Senate Bill 549 will help make college campuses safer by enabling victims of sexual violence to come forward without fear of further repercussions.**

**Senate Bill 549 will help reduce the “chilling effect” of potential civil liability for reporting sexual assault to campus officials and police officers.** This “chilling effect” refers to the idea that individuals who have been sexually assaulted refrain from reporting these incidents to law enforcement or Title IX officials out of fear of damaging social relationships, enduring further trauma, and without Senate Bill 549, also potential civil legal consequences. As a former undergraduate Resident/Community Assistant, I once had a student disclose to me that she had been sexually assaulted. When I informed her I was a mandatory reporter and would need to relay this information to my supervisor, she began to panic. She begged me not to report

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<sup>1</sup> Peterson, C., DeGue, S., Florence, C., & Lokey, C. N. (2017). Lifetime Economic Burden of Rape Among U.S. Adults. *American journal of preventive medicine*, 52(6), 691–701. <https://doi.org/10.1016/j.amepre.2016.11.014>. There was an overall population economic burden of nearly \$3.1 trillion, respectively \$1.2 trillion in medical costs, \$1.6 trillion in lost work productivity, \$234 billion in criminal justice activities, and \$36 billion in other costs.

it—“Please, I don’t want to go through this again . . . I haven’t seen him in years . . . I’m in a really good place now . . . Would the cops find out? . . . Would my parents?”

My resident’s fear, while disheartening, is not unique. Similar to the 1 in 4 women who have been raped across the United States, 21.3% of women in Maryland have been raped, and 44% have faced other forms of sexual violence<sup>2</sup>. Despite this, only about 31% of rape and sexual assault cases are reported to law enforcement,<sup>3</sup> and among college women, the number of reports to law enforcement drops to just 20%<sup>4</sup>. **Senate Bill 549 fosters a safer environment for reporting sexual assault by alleviating one of the many fears survivors already face—being sued for reporting.** There are a number of reasons why people, most often women, do not report acts of sexual violence. Research shows that many survivors do not report sexual violence because of a lack of faith in the criminal justice system, a feeling of self-blame,<sup>5</sup> and a fear of consequences,<sup>6</sup> such as getting themselves or others in trouble. While opponents of the bill may be concerned about false reporting, studies show that the false reporting rate for rape and sexual assault is between 2% and 8%—numbers consistent with the false reporting of other crimes.<sup>7</sup> The psychological and social consequences alone are significant barriers, without the additional fear of civil liability just for reporting the assault.

**A key step in reducing the “chilling effect” on reporting is ensuring that all individuals, even young people, feel empowered to report sexual misconduct—a protection Senate Bill 549 aims to provide.** The Levitas Initiative uses an intervention model to engage middle school students in educational activities designed to help them identify, question, and reject the destructive ideas that lead to sexual violence. Research reveals a “bullying to sexual assault pathway,” where bullying behaviors in elementary school can escalate to homophobic

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<sup>2</sup> MCASA, Sexual Assault in Maryland Fact Sheet (2023).

[https://mcasa.org/assets/files/Sexual\\_Assault\\_in\\_MD\\_Fact\\_Sheet\\_2023.pdf](https://mcasa.org/assets/files/Sexual_Assault_in_MD_Fact_Sheet_2023.pdf).

<sup>3</sup> Wieberneit, M., Thal, S., Clare, J., Notebaert, L., & Tubex, H. (2024). Silenced Survivors: A Systematic Review of the Barriers to Reporting, Investigating, Prosecuting, and Sentencing of Adult Female Rape and Sexual Assault. *Trauma, Violence, & Abuse*, 25(5), 3742–3757.

<https://doi.org/10.1177/15248380241261404>.

<sup>4</sup> Sinozich, S., & Langton, L. (2014). Rape and Sexual Assault Victimization Among College-Age Females, 1995–2013, 1.

<sup>5</sup> Stewart, S., Willmott, D., Murphy, A., & Phillips, C. (2023). “*I thought I’m better off just trying to put this behind me*” – A Contemporary Approach to Understanding Why Women Decide Not to Report Sexual Violence. *The Journal of Forensic Psychiatry & Psychology*, 35(1), 85–101.

<https://doi.org/10.1080/14789949.2023.2292103>.

<sup>6</sup> Wieberneit, M., Thal, S., Clare, J., Notebaert, L., & Tubex, H. (2024). Silenced Survivors: A Systematic Review of the Barriers to Reporting, Investigating, Prosecuting, and Sentencing of Adult Female Rape and Sexual Assault. *Trauma, Violence, & Abuse*, 25(5), 3742–3757.

<https://doi.org/10.1177/15248380241261404>.

<sup>7</sup> Comment: “Real Rape”: Bias That Allows Violent Offenders To Escape Real Accountability, 52 *Cumberland Law Review* 259, 273. <https://heinonline.org/HOL/P?h=hein.journals/cumlr52&i=269/>.

bullying and sexual harassment in middle school.<sup>8</sup> These behaviors, in turn, can morph into sexual assault and rape in high school and college. The Levitas Initiative focuses on middle school-aged students, as sexual harassment is at its highest during this period.<sup>9</sup> We aim to prevent the escalation of sexual violence into sexual assault and rape, which are at their highest in college.<sup>10</sup> Without the protections of Senate Bill 549, it is more challenging to teach students to protect their boundaries and intervene if they witness or suspect sexual assault. Without the protections Senate Bill 549 provides, these same students—just as they reach college-age when they are most at risk—will have to know that they could be sued for reporting the very conduct they learned is a crime.

### Conclusion

Senate Bill 549 protects survivors from undergoing additional court proceedings simply because of their decision to report their sexual assault. Additionally, Senate Bill 549 helps combat the “chilling effect” many individuals, especially college students, must overcome to report their sexual assault. Furthermore, Senate Bill 549 alleviates one of the fears many survivors face when they speak up—a fear of “getting in trouble” for reporting their assault. For these reasons, **we request a favorable report on Senate Bill 549.**

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*This testimony represents the personal opinions of faculty, staff, and students in the Erin Levitas Initiative for the Prevention of Sexual Assault at the University of Maryland Francis King Carey School of Law based on their knowledge and experience. It does not represent the position of the University of Maryland System, the University of Maryland Baltimore, or Maryland Carey Law.*

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<sup>8</sup> Espelage D. L., Basile K. C., Leemis R. W., Hipp T. N., Davis J. P. (2018) Longitudinal Examination of the Bullying-Sexual Violence Pathway across Early to Late Adolescence: Implicating Homophobic Name-Calling. *J Youth Adolesc.*, 4, <https://pmc.ncbi.nlm.nih.gov/articles/PMC6098975/>.

<sup>9</sup> Espelage, D. L., Ingram, K. M., Hong, J. S., & Merrin, G. J. (2022). Bullying as a developmental precursor to sexual and dating violence across adolescence: Decade in review. *Trauma, Violence, & Abuse*, 23(4), 1358–1370, 1362.

<sup>10</sup> Sinozich, S., & Langton, L. (2014). Rape and Sexual Assault Victimization Among College-Age Females, 1995–2013, 3.