



SB0210 Protective Orders – Relief Eligibility – Rape and Sexual Offenses

Presented to the Hon. Will Smith and Members of the Senate Judicial Proceedings Committee

January 28, 2020 1:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland **urges the Judiciary Proceedings Committee a favorable report on SB0210 – Protective Orders – Relief Eligibility – Rape and Sexual Offenses**, sponsored by Senators Jeff Waldstreicher and Chris West.

Our organization is an advocate for reproductive health, rights, and justice. We seek to protect and advance every individual's power to make personal decisions about one's own life, body, and future. In doing so, we support each individual's freedom to exercise control over their sexual and reproductive lives, as well as their bodily autonomy and safety. Protection from sexual abuse or assault is a critical reproductive justice issue. Peace orders do not offer the protection that survivors of sexual violence deserve.

Sexual offenses severely impact victims' mental and physical health. Sexual assault is an epidemic—nationally, 1 in 5 women are raped in their lifetimes, and 1 in 3 women and 1 in 6 men experience sexual violence in their lifetimes. Further, in 8 out of 10 rape cases, the victim knows the perpetrator¹. For many victims of assault, their perpetrators are people in their lives, including partners, family members, friends, and coworkers.

Legal protection limits the opportunities for abusers to continue to stalk, harass, and/or harm victims. Without a protective order, many victims are forced to interact with their abuser. This poses a significant mental health risk for victims. Being in contact with the person who abused them can cause victims to relive the initial trauma of the abuse, a burden which should not be placed on survivors. Further, without a meaningful court order, perpetrators have opportunities to abuse their victims again, which is an urgent safety risk. No individual should have to face their abuser because of the substantial risks to physical and mental health involved. Access to safety is a fundamental right, which is why victims need access to protective orders.

SB0210 amends existing law on protective orders to include granting relief to individuals who *allege* rape and sexual offenses, in addition to those whose perpetrators have been convicted. This change is critical. Victims of assault and abuse risk their safety even by reporting—perpetrators may attempt to retaliate by threatening or harming victims. Further, the process of trying and convicting an assailant is timely, so perpetrators have ample opportunity to harm their victims before conviction. Because of this, victims *need* access to protective orders against their abusers from the time of reporting until conviction. Judicial protection will be a significant resource to all victims of sexual assault, regardless of the status of the conviction of their abuser.

Survivors of sexual violence have rights that must be protected, and the elected officials of Maryland have a duty to uphold those protections. **It is critical that the legislature continues to show their commitment to survivors.** The timely enforcement of protective orders ensures that survivors of sexual assault have necessary access to legal protection. **Therefore, we urge a favorable report on SB0210.** Thank you for your time and consideration.

¹ "Get Statistics." *National Sexual Violence Resource Center*. Web. <https://www.nsvrc.org/statistics>