

SB0555 MD NARAL SUPPORT.pdf

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SB0555 – Criminal Procedure – Victims of Sexually Assaultive Behavior – Required Meeting
Presented to the Hon. Will Smith and Members of the Senate Judicial Proceedings Committee
February 23, 2021 at 1:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges Members of the Senate Judicial Proceedings Committee to issue a **favorable report on SB0555 - Criminal Procedure – Victims of Sexually Assaultive Behavior – Required Meeting**, sponsored by Senator Ronald Young.

Our organization is an advocate for reproductive health, rights, and justice. As part of our efforts to protect reproductive freedom for all Marylanders, we work to ensure that every individual has the right to decide if, when, and how to form their families, and to parent in good health, in safety, and with dignity. This includes ensuring that Marylanders feel confident enough in our justice system to trust that sexual assault cases will be taken seriously. We believe in giving survivors a chance to find some form of closure through the criminal justice system, even if their perpetrators are not charged. Accordingly, following a decision to not file charges or drop them altogether in a sexual assault case, we support requiring an assistant state’s attorney to meet with every victim who requests an explanation as to why they did not pursue the case.

According to the U.S. Justice Department, sexual assault remains drastically underreported, with only around [23% of victims reporting their assaults to the police](#).ⁱ Survivors cite many reasons as to why they choose not to go to the police, including [13% who do not think the police would want to help](#). This demonstrates a lack of trust in the criminal justice system, specifically when it comes to sexual assault victims. Of the cases that are brought to the police, [only about 20% lead to charges](#),ⁱⁱ and the remaining majority of these charges are dropped. To those who are still considering whether to report an assault, this can be extremely discouraging, and to the victims who reported these crimes, this can feel extremely invalidating and traumatizing as they watch their attackers be absolved of accountability. If Maryland were to require that an assistant State’s attorney with knowledge of the case meet with the victim and explain why their case was not pursued further, this may alleviate some of the trauma associated with their case. While it may not be the exact justice the victim seeks, many survivors simply want to feel heard. Being unable to pursue justice after a sexual assault can feel incredibly traumatizing, and these meetings could provide much needed clarity for survivors.

No victim of any crime should be left with unanswered questions. The State of Maryland should do everything it can to provide as many answers as possible for those who feel failed by our justice system, and this includes those who experienced sexual violence. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0555**. Thank you for your time and consideration.

ⁱ Morgan, Rachel E., and Grace Kena. “Criminal Victimization, 2016: Revised.” Bureau of Justice Statistics. U.S. Department of Justice, October 2016. <https://www.bjs.gov/content/pub/pdf/cv16.pdf>.

ⁱⁱ “The Criminal Justice System: Statistics.” RAINN (Rape, Abuse & Incest National Network), n.d. <https://www.rainn.org/statistics/criminal-justice-system>.

CVR - required meeting with SAO - testimony - sena

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Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 555 with Sponsor Amendments
Lisae C. Jordan, Executive Director & Counsel
Ashley N. Young, Managing Attorney
February 23, 2021

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 555 with sponsor amendments.

Senate Bill 555

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. SB555 was prompted by the 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. SB555 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. Sponsor amendments are reasonable and largely technical.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 555 with Sponsor Amendments**

CVR - required meeting with SAO - testimony - sena

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Position: FWA



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