



Marjorie Cook Foundation

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**TESTIMONY IN SUPPORT OF HOUSE BILL 412**

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The House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Baltimore County, Prince George’s County, and Montgomery County. House Bill 412 defines consent or lack of consent for certain sexual crimes and sexual acts. **We urge the House Judiciary Committee to issue a favorable report on House Bill 412.**

HB 412 changes Maryland's rape law by defining consent and repealing language that focuses on whether a victim resisted the sexual act and whether there was force or threat of force by the alleged perpetrator. HB 412 changes the focus of consent to whether there is **clear and voluntary agreement** between the people involved. HB 412 defines consent as including clear and voluntary agreement to engage in the sexual act; the right to withdraw consent before or during the sexual act; and, communicating or expressing consent through words or conduct. HB 412 also addresses what is **not** consent, including what someone is wearing; agreement as a result of fear, threat, or coercion; or, having had a prior relationship.

HB 412 creates important protections for victims of rape and sexual assault. Victims may employ a variety of means to express their lack or withdrawal of consent to a sexual act – by saying “no,” through other verbal communication, by moving their body in a certain way, by physically resisting, or by other means. HB 412 provides a framework for determining whether consent to sexual activity has been granted, denied or withdrawn that takes into account both a victim’s words and actions. In addition, HB 412 clarifies that a victim does not consent to rape by virtue of being in a relationship with the assailant, by dressing a certain way, or by submitting as a result of fear or duress. HB 412 hopefully will serve to reduce incidents of rape and other forms of sexual assault by creating a better understanding of what constitutes consent or lack thereof, and will create greater accountability for perpetrators.

**The House of Ruth urges a favorable report on House Bill 412.**