

Testimony Supporting House Bill 412

Owls in ACTION: Bystander Intervention Harford Community College

Owls in ACTION: Bystander intervention is a peer education program at Harford Community College dedicated to preventing intimate partner violence (dating and domestic violence, stalking, and sexual assault) as well as promoting a community that engages and invests in everyone's safety and well-being. We provide one-hour skill building workshops where participants learn to identify warning signs of intimate partner violence, develop realistic options to intervene in different types of situations, and be inspired to proactively make our campus an environment that is free from relationship violence.

We are writing in support of House Bill 412, which 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

It is important to note that as peer educators, we attended cutting edge training based on the best practices for intimate partner violence and violence prevention (including for sexual assault) which were taught to our coordinators through the Department of Justice Office on Violence Against Women's Technical Training Institute. This sets the context for our comments.

As peer educators trained in these best practices, we were horrified to discover that Maryland law requires proof of lack of consent and force or threat of force; and that force or threat of force is proven by focusing on the survivor/victim and whether they resist. This is an extremely outdated viewpoint. It is common for victims of intimate partner violence to respond in many different ways including freezing, fighting, flight, submitting, feigning death, crying for help, and dissociating. The current law only covers two of these responses but needs to allow space for all of them. Another important consideration is that if a survivor does not feel they have the proof the current law requires, they may be less willing to report their assault making it easier for predators to remain in the community.

At Harford, we have a definition of consent in our school policies for students and employees. Consent is a positive, unambiguous, and voluntary agreement to engage in a specific sexual

activity throughout a sexual encounter. Consent cannot be inferred from the absence of "no." A clear "yes" is necessary. Consent cannot be obtained by threat, coercion or force. And it cannot be obtained from a person who is incapacitated, such as from alcohol or drugs. Consent to some sexual acts does not imply consent to others. It must be ongoing throughout a sexual encounter, and it can be revoked at any time. It is hard to believe that the state of Maryland's definition is so far away from best practices and a definition of consent like ours. People should not have sex with someone without their consent and consent needs to encompass the complexities of sexual assault and the responses of its victims.

In conclusion, Owls in ACTION: Bystander Intervention urges the Judiciary Committee to report favorably on House Bill 412. Please bring this archaic law into the 21st century. The best practices in intimate partner violence, including a definition of consent, have evolved and so should Maryland State.

Thank you for your time and effort.

Sincerely,

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