



9 February, 2024

The Honorable William C. Smith Jr.
Chair
Committee on Judicial Proceedings
Maryland General Assembly
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

The Honorable Jeff Waldstreicher
Vice-Chair
Committee on Judicial Proceedings
Maryland General Assembly
2 East Miller Senate Office Building
11 Bladen Street
Annapolis MD, 21401

Dear Chair Smith and Vice-Chair Waldstreicher:

We are writing to you today regarding S.B. 0758, which removes the requirement of use of force as an element of second degree rape and expands the definition of consent. This provides expanded protections against sexual violence and removes limits to justice for survivors. We ask for your support in favor of this legislation.

As you may be aware, RAINN is the nation's largest anti-sexual assault organization. Founded in 1994, RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE and hotline.rainn.org). Every 68 seconds, someone in the United States is sexually assaulted¹, and authorities find evidence that a child in America has been the victim of sexual abuse every nine minutes.² 75% of sexual assaults are not reported to the police,³ and 975 perpetrators will walk free out of every 1,000 sexual assaults.⁴ RAINN works tirelessly to develop state and federal policies to ensure that survivors have access to justice and healing in the aftermath of violence.

¹ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2019 (2020). Note: RAINN applies a 5-year rolling average to adjust for changes in the year-to-year NCVS survey data.

² United States Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. Child Maltreatment Survey, 2016 (2018).

³ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2018.

⁴ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2015-2019 (2020).



Leading the National Effort to End Sexual Violence

In Maryland, there were 1,891 reported rapes in 2020.⁵ Further, an estimated 420,000 women in Maryland have experienced sexual violence in their lifetime.⁶ The limited definition of consent obscures the true numbers as many crimes go unprosecuted under current language. Further, a requirement of force in the definition of second degree rape ignores the unique experiences of survivors. Rape does not always entail the use of force and by using this in the definition the trauma of individuals is dismissed. This also limits the ability of courts to adjudicate crimes of rape and sexual violence.

S.B. 5708 provides an expanded definition of consent that would benefit survivors of rape and sexual violence. It also takes away the requirement of force in regard to second degree rape, allowing for relevant prosecution for crimes and preventing the proliferation of sexual violence by more effectively criminalizing perpetrators.

As such, we urge you to support this bill and pass it out of committee. Thank you for your continued leadership and for supporting victims of sexual violence in Maryland.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Berkowitz".

Scott Berkowitz
President

⁵ Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS). (n.d.). *Crime dashboard (2020)*

⁶ Center for Disease Control and Prevention, National Intimate Partner and Sexual Violence Survey: 2010-2012 State Report, 2017