

Committee: Judicial Proceedings
Testimony on: SB0758
Position: Favorable

27 February, 2024

Chair Smith, Vice Chair Waldstreicher, and the members of the Judicial Proceedings Committee, thank you for the opportunity to testify before you.

Preventing Sexual Assault (PSA) is a student-created and run organization at the University of Maryland in College Park that advocates for survivors and students. PSA does so by spreading awareness, hosting educational sessions, and implementing action to prevent sexual assault on our campus and beyond.

The Executive Board members of Preventing Sexual Assault at UMD support SB0758 because the focus on defining consent in the state of Maryland is necessary to help survivors of sexual assault get the justice they deserve. By providing a logical and concise definition of consent, the focus in such cases is on whether there was a clear and voluntary agreement between the individuals involved.

At the University of Maryland, the definition of consent is found on a webpage. The institution shares that consent is “a voluntary and affirmatively communicated willingness to participate in a particular sexual activity or behavior.”¹ Given that this information is to be widely promoted, we begin our on-campus education programs by sharing that consent is freely given, informed, and reversible. While UMD has independently defined consent on campus, the state lacks a standardized definition. This difference creates a disparity in understanding and addressing consent-related issues between the university and the broader state.

On average, there are 463,634 victims (age 12 or older) of rape and sexual assault each year in the United States.² Within this unfortunately large population, the demographic breakdown is diverse. This bill reduces the barriers that intersecting identities can create. Certain identities already feel unheard when reporting, but facing the daunting requirement of proof of force often turns a significant portion of the estimated 463,634 survivors away. This bill would be instrumental because it would alleviate the burdensome obligation that survivors currently hold to provide proof. This is especially the case for those often oppressed by how certain identities are adversely and disproportionately impacted by power-based violence. By emphasizing the core issue at hand — supporting survivors and holding perpetrators accountable — the bill ensures that attention remains on what truly matters: providing support, validation,

¹<https://umd.edu/raise-your-voice/get-informed#:~:text=%E2%80%9CConsent%E2%80%9D%20means%20a%20knowing%2C,reasonable%20judgment%20can%20give%20Consent>

² <https://www.rainn.org/statistics/victims-sexual-violence>

and pathways to justice for all survivors. SB0758 serves as a unifying measure, bringing UMD and the state onto the same page regarding the definition of consent. This alignment not only enhances the university's ongoing efforts but also strengthens the statewide approach to preventing sexual assault and supporting survivors.

Given that this bill would result in no longer requiring survivors to provide proof of use of force or threat of force, Preventing Sexual Assault at UMD respectfully urges the Judiciary Committee to report favorably on SB0758.

Thank you,

Brandee Kaplan and Shivani Sidh

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