



Testimony on H.25 An act relating to sexual assault survivors' rights;
H. 27 An act relating to limitations on prosecutions for sexual assault; and
H. 74 An act to establish a new misdemeanor crime of nonconsensual sexual conduct
House Committee on Judiciary
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Thank you for the opportunity to testify about this legislation before your Committee. These acts provide important rights and protections for sexual assault survivors. The rights of a sexual assault survivor as it relates to the collection and retention of evidence is paramount to instilling control and ownership to survivors. The lifting of the statute of limitations will go for to assist survivors who may have needed many years before being able to assist in a criminal proceeding. And finally, the establishment of a new misdemeanor crime will allow prosecutor's the leverage they need to work with offenders on plea agreements.

Sexual assault survivors' rights

The Center is a strong defender of crime victim rights in Vermont. Irrespective of whether or not a survivor chooses to report a sexual assault, or whether the crime is prosecuted. Unlike criminal defendants, sexual assault survivors are not entitled to counsel and must rely on laws for victim's rights and to ensure their interests are protected and served. This legislation can help ease the trauma by providing balance and fairness in a system that is otherwise focused on the defendant and the defendant's rights. This legislation will allow survivors some sense of control over how their sexual assault evidence kit is handled.

Elimination of the statute of limitations on prosecutions for sexual assault

This legislation will add sexual assault to the list of crimes where prosecution can be commenced at any time after the crime has taken place. Sexual assaults are serious crimes and should be included with the crimes that have no statute of limitation. The Vermont National Guard recently reported that in 2016 there were twelve sexual assaults reported. Only three happened in that same year and nine were from prior years. Making this change will give survivors time to heal and assist them in participating in the criminal justice system.

Establishment of a new misdemeanor crime of nonconsensual sexual contact

The current misdemeanor crime that is sexual in nature is called a prohibited act. A recent court ruling has narrowed the scope so that it can no longer be charged for nonconsensual sexual conduct. This proposed misdemeanor crime would serve to better reflect the actual crime and add another option for prosecutors to use in the criminal justice process.

The Center is supportive of H.25, H.27, and H.74 and encourages the Committee to support this legislation. Thank you.