



**H. 183 – A Bill Related to Sexual Violence**  
**Sarah Robinson, Deputy Director**  
**Senate Judiciary Committee – April 8, 2021**

Thank you for the invitation to provide testimony on H. 183, a bill which seeks to address and improve Vermont's system of response to sexual violence.

**Background and Context**

Sexual violence is a significant issue which impacts thousands of Vermonters each year. In the United States, approximately 1 in 5 women and 1 in 38 men have experienced rape or attempted rape in their lifetime, and over 1 in 3 women (43.9%) have experienced other forms of sexual violence, such as sexual coercion or unwanted sexual contact<sup>1</sup>. Although national prevalence studies indicate that women carry the greatest burden of sexual violence over their lifetimes, men are also impacted by sexual violence. As with many other forms of violence, some individuals and communities are disproportionately impacted by sexual violence – including those with disabilities, Black, indigenous, and other people of color (BIPOC) and transgender and non-gender conforming individuals.

Vermont is not exempt from the significant impacts of sexual violence. In 2019, 1,408 individuals reached out to a Vermont Network Member Organization for to receive advocacy services as a result of sexual assault. The most recent 2019 Youth Risk Behavior Survey here in Vermont, which surveyed 9-12 graders indicates that more than 1 in 4 female-identified students in Vermont report experiencing unwanted sexual contact. Students of color in Vermont are more likely than white students to have ever been forced to have sexual intercourse, and LGBTQ students are more than two times as likely to be forced to have sexual intercourse compared to heterosexual or cisgender peers.<sup>2</sup>

H. 183 aims to address sexual violence in several different ways – through changes to the legal response to sexual violence, collecting better data to understand how sexual violence cases proceed through the legal response, and working to prevent sexual violence on campuses and improving the accessibility of the medical response to sexual violence.

**Update and Modernize Vermont's Consent Statute – Sections 2 and 3**

As understandings of sexual violence and its impacts have evolved over the past several decades, so too have definitions of consent. H.183 proposes to update Vermont's consent statute. The definition in H.183 seeks to more accurately captures situations involving drug-facilitated sexual assault and updates language related to lack of consent through words or conduct, submission as a result of force and sleeping or unconscious individuals.

**Data Collection – Section 4**

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<sup>1</sup> Centers for Disease Control, National Intimate Partner and Sexual Violence Survey (NISVS), 2019

<sup>2</sup> 2019 VT YRBS Report



H. 183 will create data reporting requirements which will collect in one place information about the legal system's response to sexual violence. Despite the high prevalence of sexual violence, our legal system often struggles to respond to these cases. We know that nationally, for every 100 sexual assaults, only 23 are ever reported, 5 lead to an arrest and less than 1% of cases are referred to a prosecutor<sup>3</sup>. After cases are referred to prosecutors, a small minority of those cases lead to a conviction. There are many good reasons why a survivor might choose not to report an assault – but when they do, legal system provides a robust and reliable response. Ensuring that this data is publicly available annually will assist in future reform efforts to better target system improvements. The language in this section was the result of stakeholder conversations and agreements when the bill was in the House.

#### **Coordinates Responses in Higher Education – Section 5**

H. 183 establishes the Intercollegiate Sexual Violence Prevention Council. The establishment of this Council was a key recommendation of the Legislative Task Force on Campus Sexual Harm (report attached) and will serve to coordinate and innovate responses to sexual violence on college campuses across Vermont. One in five female students and just over one in five transgender students are sexually assaulted on college campuses.<sup>4</sup> Women ages 18-24 are four times more likely than women of other ages to experience sexual violence.<sup>5</sup> Sexual violence within institutions of higher learning is complex, due to issues such as student privacy, Title IX proceedings, and variable law enforcement involvement in campus sexual assaults. The Intercollegiate Sexual Violence Prevention Council proposed in H. 183 will assist in ensuring that responses and prevention efforts on campuses across Vermont are coordinated, and resources are shared across large and small private and public institutions.

In Section 7, the bill appropriates a small amount of funds to the Vermont Center for Crime Victim Services to grant to an organization to staff this Council. The Vermont Network has signaled our willingness to serve in this role. In the House, a certain amount was reduced from the award for staffing this Council to accommodate any needed per diems. **We would request that the amount in Section 7(a)1 is restored to the original level in the bill as introduced – to \$13,000.**

#### **Expands Forensic Medical Care for Victims – Section 7**

H. 183 also includes funding to begin an expansion of forensic medical care to primary care or reproductive healthcare settings. Vermont's Forensic Nursing Program (formerly the Sexual Assault Nurse Examiner Program) trains and supports a cadre of over 100 nurses statewide to provide specialized medical care and forensic evidence collection for child, adult and adolescent victims of sexual assault and domestic violence. A standardized evidence kit and procedure is used to preserve forensic evidence. In 2020, 318 adults and 67 children were treated by a credentialed forensic nurse in Vermont. Currently, this care is only available in hospital emergency department settings. This expansion will help ensure that additional victims and survivors are able to access this care in familiar settings with trusted providers and is integrated with their broader healthcare needs.

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<sup>3</sup> RAINN, Criminal Justice Statistics

<sup>4</sup> David Cantor, Bonnie Fisher, Susan Chibnall, Reanna Townsend, et. al. Association of American Universities (AAU), Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct (September 21, 2015).

<sup>5</sup> Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Rape and Sexual Victimization Among College-Aged Females, 1995-2013 (2014).