

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 A.M. on February 9, 2005, in Room 123-S of the Capitol.

All members were present except:

David Haley- excused

Committee staff present:

Mike Heim, Kansas Legislative Research Department

Jill Wolters, Office of Revisor of Statutes

Helen Pedigo, Office of Revisor of Statutes

Nancy Lister, Committee Secretary

Conferees appearing before the committee:

Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence

Alison Jones, Metropolitan Organization to counter Sexual Assault

Kathy Williams, Wichita Area Sexual Assault Center

Shelley Phillips-Corley, Crisis Resource Center, Pittsburg, KS

Judy Davis, The Crisis Center, Inc., Manhattan, KS, and the Kansas Crisis Hotline

Others attending:

See attached list.

Vice-Chairman Bruce called the meeting to order. There were no bill introductions.

Vice-Chairman Bruce opened the hearings on **SB 82**, **SB 83**, and **SB 111**, as most conferees were appearing as proponents on all bills.

SB 82 Previous sexual conduct of complaining witness in sex offense prosecutions not admissible in any court proceeding

SB 83 Sexual battery; striking the spousal exemption

SB 111 Increasing marriage license fees; creating the domestic violence and sexual assault centers fund

Proponents:

Sandy Barnett stated that rape is one of the most under reported crimes, with an estimated 109 rapes occurring each week and only 22 being reported to law enforcement. The reasons rapes are not reported include: the perpetrator is known to them or may be a family member; there is shame and embarrassment; fear of others finding out they were raped; fear of retribution for reporting; hostile law enforcement and court atmosphere; didn't recognize their experience as criminal. In Kansas, the rape shield law, K.S.A. 21-3525, prohibits the presentation before the jury of evidence of the complaining witness' previous sexual conduct with any person, including the defendant, unless the court decides it is relevant and otherwise admissible.

Ms. Barnett stated that the Kansas statute protects victims only during hearings in the presence of the jury. Victims need protection during all phases of the criminal proceedings. If those protections are not available until the jury is seated and hearing the case, the damage is already done. All criminal proceedings are open to the public and to the press. During the preliminary or other hearings, the victim may be subjected to many questions about prior sexual conduct that is irrelevant and may clearly be disallowed during the trial. Ms. Barnett stated that, recently, a Kansas district court was asked to rule on just this point and found that the Kansas rape shield law applies only to evidence in front of a jury. Ms. Barnett stated that **SB 82** seeks to close the gap by simply eliminating the words "in the presence of the jury" found on line 38 and inserting in its place "in any proceeding before the court". Ms. Barnett stated this change in Kansas law would help victims have a little more faith in the criminal justice system. Additionally, the bill provides criminal penalties for violation of K.S.A. 21-3525, which the Kansas Coalition Against Sexual and Domestic Violence (KCADV) also supports. (Attachment 1)

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 A.M. on February 9, 2005, in Room 123-S of the Capitol.

Ms. Barnett stated that the KCSDV supports **SB 83** which removes the marital exemption from the sexual battery statute found in K.S.A. 21-3517. Ms. Barnett stated that Kansas was one of the first 10 states to remove the marital exemption from the rape statute. Ms. Barnett and the KCSDV do not believe that the Kansas Legislature ever intended that marriage be a defense to non-consensual acts. (Attachment 2)

Ms. Barnett stated that the KCSDV supports **SB 111** which will enhance the quality and quantity of services provided to victims of sexual and domestic violence throughout Kansas. Thirty programs in Kansas rely heavily on federal grants which provide between 34 percent and 80 percent of their funding. The bill increases the marriage license fee from \$50 to \$100 which would provide approximately \$1.2 million dollars that is needed to have the matching funds required in order to obtain the federal grants. (Attachment 3)

The Committee asked questions which Ms. Barnett and Ms. Joyce Grover, attorney with KCSDV and guest in the meeting, answered. Issues included how similar programs are funded in other states and whether the KCSCV would be open to finding an alternative means of appropriations than through an increase in the Kansas marriage license fee.

Alison Jones testified on behalf of the Metropolitan Organization to Counter Sexual Assault (MOCSA) in support of **SB 82**, **SB 83**, and **SB 111**. Ms. Jones stated that sexual assault has serious effects on health and mental health, that major depression affects an estimated one-third of all victims of rape; one-third of women raped contemplate suicide and 17 percent attempt suicide; victims of rape are 13.4 times more likely to develop two or more alcohol-related problems and 26 times more likely to have two or more serious drug abuse-related problems. Ms. Jones stated that assault victims have nightmares, suffer insomnia, flashbacks, and cannot function at work for a time. Healing time is needed to help victims get through the trauma, and that is when MOCSA and other similar organizations are of assistance. However, the costs of programs need to be stabilized. Some local funding is raised which helps pay for the utilities, transportation expenses, and other necessary support services that cannot be paid for with federal grant dollars. (Attachments 4-6)

Kathy Williams stated that the Wichita Area Sexual Assault Center supports passage of **SB 82**, **SB 83**, and **SB 111**. Ms. Williams stated that it is imperative to continue to find ways to provide assistance and support to people who have been sexually and violently victimized who then turn to law enforcement and the courts for justice. (Attachment 7) Senator Bruce questioned why the aggravated sexual battery statute does not have the marital exemption. Chairman Vratil asked the revisors to review the issue.

Shelley Phillips-Corley testified that the Crisis Resource Center of Southeast Kansas, Inc. strongly supports passage of **SB 111**. Ms. Phillips-Corley stated that they serve a 10 ½ county area in Southeast Kansas. Current economic trends have reduced their ability to obtain federal and Kansas resources to use as matching funds. Not only is the pool of resources for the provision of services or program enhancements decreasing, the competition for those funds is becoming more fierce. The local funds that are raised from the private sector are generally directed to victim material and physical needs. The hiring and retention of qualified staff is also difficult because there are no funds for annual raises or cost of living increases. The passage of the bill would help stabilize matching funding resources. (Attachment 8)

Judy Davis gave testimony in support of **SB 111** on behalf of The Crisis Center, Inc., and the Kansas Crisis Hotline. Ms. Davis shared that every year they must work to raise local funds and find grants and they operate a lot on faith that somehow needs will be met. If there are drops in the number of volunteer hours at the Center, some appropriations received from certain grants may have to be paid back. It is very difficult to provide for the basic needs and programs when resources have to be used as matching funds. Even so, increasing matching requirements attached to federal dollars threatens to put those appropriations out of reach. The Center operates around the clock to provide assistance and each year the direct costs of operating the Hotline. (Attachment 9)

Written testimony was received from Heather Soper, Domestic Violence Association of Central Kansas, in support of **SB 82**, **SB 83**, and **SB 111**. (Attachments 10-12)

Chairman Vratil handed out Sub-Committee assignments to address **SB 117**, **SB 135**, **SB 136**, **SB 137**, **SB 145**, **SB 146**, **SB 148**, **SB 171**, **SB 179**, and **SB 180**. (Attachment 13)

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 A.M. on February 9, 2005, in Room 123-S of the Capitol.

Chairman Vratil adjourned the meeting at 10:30 A.M. The next meeting is scheduled for February 10, 2005.

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SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 2/9/05

NAME	REPRESENTING
Sandy Barnett	KCSDV
Sharon Diggins Carney	Crisis Resource Center of SE KS.
JOYCE GROVER	KCSDV
Mari Landry	KCSDV
Almas Sayeed	KCSDV
Savannah Meyer	KNASW Intern
Aaron Dale	student
Melanie Glascock	student
Mardynn Ault	KCSDV
Kathy Williams	Wichita Area Sexual Assault Center
Alison Jones	Metropolitan organization to counter Sexual Assault (MORSA)
Laura Patzner	Family Crisis Center, Inc.
Mary M. Day	Crisis Resource Center of S.E. Kansas
Jeff Bottorby	Polsieff, Sh. Hon, We H, Sen 11th
Steve Solomon	The Farm, Inc.
Josua Banzon	KGC
Marsha Stralman	CWA
Kevin BARONE	KTLA
JIM CLARK	KBA



UNITED AGAINST VIOLENCE

KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE

220 SW 33rd Street, Suite 100 Topeka, Kansas 66611
785-232-9784 • FAX 785-266-1874 • coalition@kcsdv.org

Senate Judiciary Committee
Senate Bill 82
Proponent

Chairman Vratil and Members of the Senate Judiciary Committee:

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a statewide non-profit organization whose membership is the 30 sexual assault and domestic violence programs serving victims across the state.

The latest Report on Rape and Domestic Violence in Kansas (KBI report, 2003) indicates that 1,133 rapes were reported to Kansas law enforcement agencies in 2003: an average of 22 per week. These statistics refer to rape only. We also know that rape is one of the most underreported crimes in the United States. Studies by the U.S. Justice Department and the Centers for Disease Control and Prevention indicate that only one in five rapes are reported to law enforcement agencies. If this underreporting statistic is accurate in Kansas, and there is no reason to believe differently, then it is estimated that 109 rapes occur every week, but only 22 are reported to law enforcement. If we included the myriad of other sex crimes not included in this annual report, which are also underreported, the numbers are staggering.

For years, Kansas public policy makers as well as law enforcement, prosecutors, advocates, and many others have tried to address sex crimes through public policy, awareness, sex offender accountability and treatment, and victim services, but still these crimes remain grossly underreported. Why? There are numerous reasons, some we can only guess about, but victims who talk with rape counselors/advocates share similar stories:

- The perpetrator is known to them or may be a family member
- Shame and embarrassment
- Fear of others finding out they were raped
- Fear of retribution for reporting
- Hostile law enforcement and court atmosphere
- Didn't recognize their experience as criminal

High profile cases, such as the Kobe Bryant case in Colorado may also impact reporting rates. Interestingly, when asked about reporting rape, women from all age groups during the past year or so have consistently said they are less likely to report rape than ever before. When asked why, reference to the plight of the alleged victim in the Kobe Bryant case is cited almost universally.

A major component of the Kobe Bryant case revolved around protections for the victim, or lack thereof, in the Colorado rape shield law.

In Kansas, the rape shield law, K.S.A. 21-3525, prohibits the presentation before the jury of evidence of the complaining witness' previous sexual conduct with any person, including the defendant, unless the court decides it is relevant and otherwise admissible. In order to have such evidence admitted, the defendant must file a written motion, stating the relevancy of the evidence and including an affidavit offering proof of this previous sexual conduct. After consideration of the motion and the affidavit, the court may allow the evidence to be introduced with strict guidance on what evidence is allowed and the nature of questions permitted. On the other hand, if the prosecutor or the witness puts the evidence before the jury, the defendant may cross-examine her about the prior sexual conduct.

Case law in Kansas shows that our rape shield law has certainly protected some victims from having irrelevant previous sexual history introduced at trial. But, there is a large hole in the shield. K.S.A. 21-3525 protects victims only during hearings in the presence of the jury. Victims need this protection during all phases of the criminal proceedings. If those protections are not available until the jury is seated and hearing the case, the damage is already done. As you certainly know, all criminal proceedings are open to the public and to the press. During the preliminary or other hearings, the victim may be subjected to many questions about her prior sexual conduct that are irrelevant and may be clearly disallowed during the trial. Recently a Kansas district court was asked to rule on just this point and found that the Kansas rape shield law applies ONLY to evidence in front of a jury. This means it is open season on victims in all other phases of the criminal proceedings.

Senate Bill 82 seeks to close that gap by simply eliminating the words "in the presence of the jury" (line 38) and inserting in its place "in any proceeding before the court." KCSDV believes that although this is a small change in Kansas law, it may go a long way toward helping victims have a little more faith in the criminal justice system.

Additionally, Senate Bill 82 provides criminal penalties for violation of K.S.A. 21-3525. While the court can currently hold the parties in contempt for violation of the rape shield law, this penalty is just not adequate. When a case is being tried in the media before the jury is even seated, as was the case in Colorado, contempt is a small price to pay to denigrate the victim and taint the jury pool before the trial even starts.

In Kansas, it is a crime to intimidate a witness or victim. Intimidation of a witness or victim is "knowingly and maliciously preventing or dissuading, or attempting to prevent or dissuade . . . any witness or victim from attending or giving testimony at any civil or criminal trial, proceeding, or inquiry authorized by law" K.S.A. 21-3832(a)(1). Intimidation of a witness or victim is a class B person misdemeanor. I believe that intentionally and knowingly violating the rape shield law during any proceeding before the court, in effect, also dissuades a victim from attending or giving testimony at the trial. The penalties should reflect this similarity.

Thank you for considering this important amendment to the Kansas rape shield law.



UNITED AGAINST VIOLENCE

KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE

220 SW 33rd Street, Suite 100 Topeka, Kansas 66611
785-232-9784 • FAX 785-266-1874 • coalition@kcsdv.org

Senate judiciary Committee
Senate Bill 83
Proponent

Chairman Vratil and Members of the Senate Judiciary Committee:

Senate Bill 83 is almost unbelievably simple, it removes the marital exemption from the sexual battery statute—K.S.A. 21-3517.

During the early to mid-1980s, Kansas removed the marital exemption from the rape statute. Kansas was, in fact, one of the first ten states to do so.

The KCS DV Board of Directors asks committees and task groups to review public policy issues pertaining to sexual assault and domestic violence. A recent review of the Kansas statutes by the Sexual Assault Task Group revealed, surprisingly, that Kansas still allows a marital exemption in cases of sexual battery. We are currently reviewing the marriage defense in all other sex crime statutes involving minors. However, even in those cases, we don't believe the Kansas Legislature intended that marriage be a defense to non-consensual acts.

Senate Bill 83 removes the marital exemption bringing K.S.A. 21-3517 into line with the Kansas rape statute.

KCS DV urges the Senate Judiciary Committee to support Senate Bill 83.

Sandra Barnett
Executive Director



UNITED AGAINST VIOLENCE

KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE

220 SW 33rd Street, Suite 100 Topeka, Kansas 66611
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Senate Judiciary Committee
Senate Bill 111
Proponent

Chairman Vratil and Members of the Senate Judiciary Committee:

Senate Bill 111 will enhance the quality and quantity of services to victims of sexual and domestic violence in Kansas.

This request to raise the marriage license fee from \$50.00 to \$100.00 is prompted by a recent reinterpretation of the Federal Violence Against Women Act S.T.O.P grant program that now requires 26% matching funds for all victim service grants. This new match requirement in conjunction with increased reliance on federal grant funds has placed a severe burden on domestic violence and sexual assault programs that they cannot meet, and certainly cannot continue.

The thirty programs in Kansas serving victims of sexual and domestic violence rely primarily on three federal grants to provide basic services: Victims of Crime Act (VOCA), Family Violence Prevention and Services Act (FVPSA), and the Violence Against Women Act (VAWA). These grant programs comprise between 34% and 80% of the program budgets (average is approximately 64%) and each require matching funds. Matching funds must originate from state and local sources—no federal dollars may be used—and they may be used only once. Each matching dollar must be spent on the program activities associated with the grant program, which leaves these programs unable to fund many activities not covered by grants.

Additionally, these federal grant programs have been slowly decreasing and are unlikely to grow in the coming years. Programs must obtain other grant sources to fund basic work or to increase outreach efforts into more communities and counties. Many private and other government grant sources require matching funds and each new funding source requires administration—neither are available when local dollars are used to match the core federal grant programs.

These community-based non-profit organizations are subject to the same employment rules and market trends that for-profit businesses experience and they are having difficulty hiring and maintaining qualified staff. Often staff stays for less than 3 years, just enough time to be well trained, and then are hired away by other services needing their skills. Programs report that almost exclusively, staff leaves because the pay is so poor and they lack benefits. It is a poor use of resources to hire and train staff over and over, especially when we consider they are providing life-saving services to victims.

Regardless of the grant fluctuations these programs are responsible to provide emergency shelter, rape crisis counseling, response to hospital emergency rooms and

law enforcement offices, hotlines, support groups, assistance with the criminal justice system, help with filing protection orders, children's crisis services, community education and awareness, and a myriad of other services to both victims and the communities they serve.

- FVPSA funds basic 24-hour shelter services for 23 shelters in Kansas.
- VOCA funds sexual assault services, SANE/SART training, domestic violence services including special court projects, counseling, support groups, and more.
- VAWA addresses projects that enhance the criminal justice response to sexual and domestic violence including the statewide hotline, police response advocacy projects, coordinated community response teams, and some basic victim services.

The only other statewide funding these programs receive comes from the \$1 million raised in current marriage license and docket fees and a project contracted through SRS from TANF funds (also Federal). The only commitment the state of Kansas has made to domestic violence and sexual assault victim safety programs is the current \$1 million of docket fee/license funds.

The request to increase the marriage license fee to \$100.00 would generate approximately \$1 million. Kansas receives approximately \$5.9 million in grant funds for victims services, the majority of which are funding basic shelter and crisis services for victims of domestic violence and sexual assault. The match requirements are as follows:

Fund	KS. Allocation	Match %	Match amount
FVPSA	\$1.1 million	20%	\$220,000
VOCA	\$3.5 million	20%	\$700,000
VAWA	\$1.3 million	26%	\$338,000

Total match obligation for these funds is \$1,258,000

Additionally, within this request we also ask for 10% to be directed to the state coalition(s) designated by the Centers for Disease Control and Prevention as the sexual assault coalition and the U.S. Department of Health and Human Services as the domestic violence coalition for training, technical assistance, data collection, and special projects. KCSDV currently holds these designations and with them come certain responsibilities. While those responsibilities are enumerated in Federal law they basically amount to working toward stopping all activities in the state that pose danger to victims and encouraging all activities that enhance safety of victims and accountability for perpetrators. The Federal contribution to this statewide work amounts to less than \$380,000.

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KCSDV
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There is no doubt this is a bold request. This is certainly a significant increase in the marriage license fee, yet it is still less than the costs of renting a tuxedo, purchasing flowers, or many other expenses associated with getting married. And, ultimately, this is far less costly than the lives lost from domestic violence.

The additional \$50.00 we are requesting will help save lives.

KCSDV urges the Senate Judiciary Committee to pass favorably SB 111

Sandra Barnett
Executive Director

MOCSA

Metropolitan Organization to Counter Sexual Assault

February 9, 2005

2005

Officers

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Jill McGee
Vice Chair

Kay Martin
Secretary

Robert A. Pearson
Treasurer

Charles A. Wells, Jr.
Immediate Past Chair

Senator John Vratil, Chairman
Senate Judiciary Committee
Kansas Senate
State Capitol
Topeka, KS

Re: S.B. 82

Honorable Chairman Vratil and Members of the Committee:

I am here today representing the Metropolitan Organization to Counter Sexual Assault (MOCSA) in Kansas City. For the last 30 years, MOCSA has served as the rape crisis center and the key agency providing comprehensive services to victims of sexual violence in the bi-state greater Kansas City metropolitan area. Our mission is to lessen the ill effects of sexual assault and abuse through prevention, education, intervention, treatment and advocacy.

2005

Directors

Bruce Baxter
Brad Bodamer
Michelle Brinker
Cindy Cash
Ellen Darling
John A. Garcia
Rachel Hack
Joyce Hayhow
Billie Howard Barnes
Brian Kaufman
Capt. Sharon Laningham
Karen Messerli
Marty Mos
Vicki Reister
Joan Schwarberg
Stephanie Seigfried
Matt Sharples
Levi Snow
Bronwyn Werner

We are seeking your support for S.B. 82 which strengthens rape shield laws, providing protection for victims in all court proceedings. It is essential that the privacy and dignity of victims be respected and that the focus of the criminal justice process be focused on facts clearly related to the case being considered. Senate Bill 82 provides greater assurance that that will happen.

Victims of rape and sexual assault face many personal challenges, including high incidents of attempted and contemplated suicide, Post Traumatic Stress Disorder and major depression (National Institute for Justice, 2003; National Center for Post Traumatic Stress Disorder, 2004). The devastating effects of this crime are life changing, and the complexities of navigating the criminal justice system in order to achieve justice is difficult at best. The prospect of having one's personal and private life exposed to the general public and used as a means to dissuade victims from pursuing justice is not in keeping with the goals of our society and our legal system.

Everyday at MOCSA we see the devastation and the revictimization of those who have endured this crime as they deal with a misinformed and often victim-blaming society. We would hope that as we look to strengthen our ability to hold accountable perpetrators of these heinous and invasive crimes that we also provide every possible assurance to protect victims.

We urge that the Senate Judiciary Committee fully support Senate Bill 82.

Respectfully submitted,



Alison Jones, Volunteer Program Specialist for



Patie M. Rillinger, Executive Director

Executive Director

Patie M. Rillinger, LCSW

3217 Broadway • Suite 500 • Kansas City, Missouri 64111-2437 • 816-931-4527 • Fax 816-931-4532

24-Hour Crisis Line: 816-531-0233

MOCSA Outreach Sites:

Independence • Northland • Liberty • Lee's Summit
Prairie Village • Olathe • Overland Park • Kansas City, KS • Central Kansas City, MO
www.moosa.org

Senate Judiciary

2.9.05

Attachment 4

MOCSA

Metropolitan Organization to Counter Sexual Assault

February 9, 2005

**2005
Officers**

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Chair

Jill McGee
Vice Chair

Kay Martin
Secretary

Robert A. Pearson
Treasurer

Charles A. Wells, Jr.
Immediate Past Chair

Senator John Vratil, Chairman
Senate Judiciary Committee
Kansas Senate
State Capitol
Topeka, KS

Re: S.B. 83

Honorable Chairman Vratil and Members of the Committee:

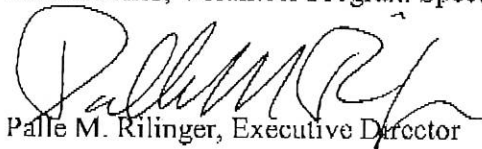
I am here today representing the Metropolitan Organization to Counter Sexual Assault (MOCSA) in Kansas City. For the last 30 years, MOCSA has served as the rape crisis center and the key agency providing comprehensive services to victims of sexual violence in the bi-state greater Kansas City metropolitan area. Our mission is to lessen the ill effects of sexual assault and abuse through prevention, education, intervention, treatment and advocacy.

We are seeking your support for S.B. 83 which amends the law related to sexual battery to eliminate exclusion of the spouse of the offender. This statute would then conform with other Kansas laws related to marital rape and sexual violence. It is well known that rape can and does occur within intimate relationships, and that its impact can be emotionally devastating and degrading to the victim. We at MOCSA see the traumatic aftermath from those violations on a regular basis, and urge the committee to fully support S.B. 83.

Respectfully submitted,



Alison Jones, Volunteer Program Specialist for



Palle M. Riling, Executive Director

Executive Director

Palle M. Riling, LCSW

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www.mocsa.org

Senate Judiciary

2-9-05

Attachment 5

MOCOSA

Metropolitan Organization to Counter Sexual Assault

February 9, 2005

**2005
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Vice Chair

Kay Martin
Secretary

Robert A. Pearson
Treasurer

Charles A. Wells, Jr.
Immediate Past Chair

Senator John Vratil, Chairman
Senate Judiciary Committee
Kansas Senate
State Capitol
Topeka, KS

Re: S.B. 111

Honorable Chairman Vratil and Members of the Committee:

I am here today representing the Metropolitan Organization to Counter Sexual Assault (MOCOSA) in Kansas City. For the last 30 years, MOCOSA has served as the rape crisis center and the key agency providing comprehensive services to victims of sexual violence in the bi-state greater Kansas City metropolitan area. Our mission is to lessen the ill effects of sexual assault and abuse through prevention, education, intervention, treatment and advocacy.

**2005
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Brian Kaufman
Capt. Sharon Laningham
Karen Messerli
Marty Mos
Vicki Reisler
Joan Schwarberg
Stephanie Seigfried
Matt Sharples
Levi Snow
Bronwyn Werner

We are seeking your support for S.B. 111 which would provide for an increase in marriage license fees to support domestic violence and sexual assault centers.

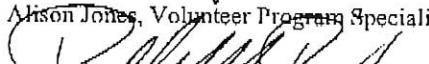
Rape is prolific: 1 in 8 women has been a victim of rape (National Victim Center, Kilpatrick, 1992, and other sources), and a follow-up analysis by Dr. Dean Kilpatrick in 2002 of factors associated with rape revealed an estimated 1 in 7 Kansas women has been raped. Sexual assault has serious effects on health and mental health. Major depression affects an estimated one-third of all victims of rape, often for an extended period of time. One-third of women are raped contemplate suicide, and 17 percent attempt suicide (National Center for Post Traumatic Stress Disorder, 2004). A history of sexual assault is associated with a four- to five- fold increase in the prevalence rate of Post Traumatic Stress Disorder (National Institute of Justice, 2003). Victims of rape are 13.4 times more likely to develop two or more alcohol-related problems and 26 times more likely to have two or more serious drug abuse-related problems (Kilpatrick and Acierno, 2003). Researchers and practitioners (Freeman-Longo, Blanchard, 1998; Van der Kolk, McFarlane and Weisaeth, 1996; Hindman, 1989) recognize the need to work toward resolution of the trauma in order for victims to regain emotional stability and establish healthy life patterns.

Services for victims are of critical importance. Most often, a single episode of violence against women does not affect just one individual, rather its impact ripples through families and workplaces, and the long-term health consequences are both significant and costly. Knowledgeable, competent and caring response helps those whose lives have been forever changed by sexual violence, and the support from dollars generated through the provisions of S.B. 111 would greatly assist in providing these much needed services.

We strongly urge the judiciary committee to fully support this legislation.

Respectfully submitted,


Alison Jones, Volunteer Program Specialist


For Palle M. Rilinger, Executive Director

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www.mocsa.org

Senate Judiciary

2-9-05

Attachment 6

Executive Director

Palle M. Rilinger, LCSW

Testimony on Senate Bills 82, 83, and 111
Kathy Williams, Executive Director
Wichita Area Sexual Assault Center
355 N. Waco, Suite 100
Wichita, KS 67202
(316) 263-0185

I have been a Victim Advocate for victim/survivors of sexual violence for almost ten years. I have witnessed first hand the devastating effect this crime has on women, children and men of all ages. This crime has a significant impact on survivors not only during the attack, but in its aftermath. At the time of the attack, the victim is faced with survival. Following the attack, many factors will effect the victim's survival on a day to day basis. As advocates, we know that if victims are believed and supported, they may begin to heal from this vial intrusion into their life. When support is not present for victims, many will continue to blame themselves for the violence committed against them.

This committee has the chance to assist victim/survivors and support them as they face the criminal justice system. It is imperative that we continue to find ways to assist and support people who have been victimized and turn to law enforcement and the courts for justice. Victims will be supported by the proposed revision in **Senate Bill 82**. As you know, victims currently have some protection as the statute currently stands. At the time of a jury trial, the previous sexual conduct of the victim is not subject to question except in some very specific situations. This is an excellent piece of legislation, but it does not go far enough. Before a victim faces a jury to testify about the crime committed against her or him, they will have been subjected to other court proceedings. This means it is conceivable that at the time of a preliminary hearing this line of questioning can occur. Who among us is willing and ready to discuss our sexual history? We are still asking victims to do so in a public forum that is open to anyone who may want to listen. The passage of this bill will protect victims of sexual violence at each step of the way in the courts.

A second piece of legislation, I ask you to consider is **Senate Bill 83**. The Kansas Legislature should be applauded for being at the forefront in recognizing that

rape occurs in marriage and passed legislation to ensure the rights and protect women who were raped by their husband. Unfortunately, Senate Bill 83 takes us back a bit. As this statute currently stands, a woman is being penalized for being married to the person who victimizes her. The message must be consistent. Women should not be a victim of rape or sexual battery by anyone—including their spouse.

The final bill that I wish to address today is **Senate Bill 111**. Approval of this bill supports services to victims of sexual assault and domestic violence every day in Kansas. I can only speak from my experience in Wichita on sexual violence, but I can tell you that it is not getting better. In fact, more people were served in the Wichita area in 2004 than any time that I have been doing this work. The Wichita Area Sexual Assault Center provided services for 2,099 people last year. We accompanied 364 victims of sexual assault to the hospital emergency department for a medical examination and forensic evidence collection. When we compare the number of people we accompanied in 2003, we saw an increase of 39 people in 2004. In addition, we saw an increase in the number of people seeking advocacy through the criminal justice system in 2004. We also know that this is the tip of the iceberg. It is estimated that approximately 16% of rapes are reported. Many people do not report the crime or do not seek assistance or support until sometime after the crime has occurred.

I can continue to give you information on statistics, but I think you can see the picture. So, my point? In the past two years, WASAC has received a decrease from funding sources due to less money being available. For example, in 2002, the United Way of the Plains did not reach their campaign goal and had to make changes in the allocations they made to agencies. The Wichita Area Sexual Assault Center received a decrease of approximately \$20,000. That year, we lost a staff person. WASAC is still not at the same funding level we were at in 2001. In addition to local funding, WASAC receives funding from federal grants. This year, we received a decrease of over \$10,000 on one of the federal grants.

It is a tough spot for programs providing services for sexual assault survivors. One thing that you need to know is that we are a *very* resourceful group of women. We can make money stretch and acquire donations for items that we need and use items until there is nothing left to use. But we must continue to find funding for very basic operations. The creation of this funding will certainly assist programs to "fill in the gaps" that we are currently experiencing.

I urge you to consider these matters very carefully. No one wants to use services of sexual assault or domestic violence programs, but we are there when the need arises. Please help us to continue to be there.

I want to thank you for your time and attention to these matters. I will be glad to answer any questions now or later. I have included contact information in my written testimony.

CRISIS RESOURCE CENTER OF SOUTHEAST KANSAS, INC.

(formerly Safehouse, Inc.)

669 SOUTH 69 HIGHWAY - PITTSBURG, KS 66762
Pittsburg Office 620-231-8692 - Pittsburg Shelter 620-231-8251 - FAX 620-231-8693 - Toll Free 800-794-9148

"Helping People
Help Themselves"

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Protection From Abuse Fund
Crime Victim's Assistance Fund

Governor's Office:
Violence Against Women Act
Victim's of Crime Act

safehouse@mobil1.net

February 9, 2005

Dear Senate Judiciary Committee Members,

As the Executive Director of the Crisis Resource Center of Southeast Kansas, Inc., formerly named Safehouse, Inc., an agency that serves domestic violence, sexual assault and stalking victims in the 10 ½ county catchment area of Southeast Kansas including Bourbon, Chautauqua, Cherokee, Crawford, Elk, Labette, Linn, Montgomery, Neosho, Wilson and ½ of Woodson, on behalf of the victims we serve I respectfully submit to you my testimony on Senate Bill No. 111.

Senate Bill No. 111: We strongly support.

Increased funding options allow us to reach presently unserved/under served populations of victims. It will allow us to enhance existing services and initiate new programs to better serve child and adult victims of domestic violence sexual assault and stalking.

Current economic trends federally and in Kansas contribute to a lack of resources available for the matching funds. Matching funds are burdens, sometimes insurmountable, to receiving continued or new funding due to a variety of factors. Not only is the pool of resources available for the provision of services or program enhancement decreasing, the competition for those funds is becoming more fierce.

The hiring and retention of qualified staff becomes increasingly difficult. Current VOCA, VAWA, and FVPSA funds are primarily funneled to personnel, however there is no growth in these funds to enable annual raises (cost of living and incentive) which inhibits our ability to attract or retain qualified personnel. Local funds from the private sector are directed to victim material and physical needs. Asking local communities to bear this additional financial burden is beyond their capabilities.

The increase in marriage license fees is minimal in comparison to the benefits to insuring the safety of our most vulnerable citizens, the victims and children of domestic violence, sexual assault and stalking.

Respectfully submitted,



Shelley Phillips Corley
Executive Director

Senate Judiciary
2-9-05
Attachment 8

Testimony in support of SB 111 by Judy Davis, Executive Director, The Crisis Center, Inc.

By providing relief from the matching funds burdens imposed on Kansas domestic violence and sexual assault centers, SB 111 will help to sustain and enhance vital services for Kansas victims of sexual and domestic violence.

I will speak specifically to the effect of increasing match requirements on the organization I administer, The Crisis Center, Inc., and on the Kansas Crisis Hotline, a statewide service utilized by Kansans from all 105 counties, operated by The Crisis Center with federal grant monies.

The Crisis Center has provided round the clock services to victims of domestic violence and sexual assault residing in Clay, Geary, Marshall, Pottawatomie, and Riley Counties since 1981. In the last decade, we have been able to reach more Kansans who need help, and to offer a broader range of services, largely because of federal dollars coming to us in state subgrants. Federal Victims of Crime Act funds allow us to undertake systematic outreach in Clay, Geary, Marshall, and Pottawatomie Counties. Federal Family Violence and Services Act funds support our safe shelter and our 24-hour crisis intervention services. Federal STOP Violence against Women Act grants put volunteer domestic violence advocates on scene, 24-hours, each time law enforcement officers in Riley County and Junction City respond to domestic violence calls. Through our various programs, we served 1,512 unduplicated individuals in 2004 alone. These federal dollars are critically important, because they permit us to reach and to serve some of the most vulnerable of Kansans.

Unfortunately, the increasing matching requirements attached to federal dollars threaten to put those monies out of reach for The Crisis Center and other Kansas programs. In spite of significant local funding from private and public sources, and outstanding volunteer support, The Crisis Center has reached the limit of its ability to match federal dollars. And the implications of those limits, given our responsibility for the Kansas Crisis Hotline, reach far beyond the borders of our five-county service region. In order to receive the federal dollars that pay most of the direct costs of this service for Kansas victims, The Crisis Center must promise to provide, through a combination of cash and in kind sources, 26% of the total costs of the project. Each year, the direct costs of operating the Hotline -- which are beyond our control -- increase, and our match burden increases as well. Without some relief, the result may well be that we will no longer be able to afford the federal dollars that make the Kansas Crisis Hotline, and three of our most effective regional programs, possible.

With the relief offered by SB 111, I am confident not only that we can sustain the Kansas Crisis Hotline, but that we, and our counterparts throughout the state, can further improve services to Kansas victims by successfully competing for federal monies..



Domestic Violence Association of Central Kansas

Senate Judiciary Committee
SB 82
Proponent

Contact: Heather Soper

Chairman Vratil and Members of the Senate Judiciary Committee:

The Domestic Violence Association of Central Kansas (DVACK) is a non-profit organization in Salina Kansas that serves women and children who are in domestic violence or sexual assault situations that may need our support or services. The agency was incorporated in 1980 when a concerned group of citizens in Salina Kansas felt the need for services for victims of domestic violence and sexual assault.

In working with victims of sexual assault, our agency often focuses on the issues surrounding the safety of the victim and the accountability of the perpetrator. Full accountability is about bringing an end to sexual violence and without regards to the prior sexual conduct of the complaining witness. With regards to Senate Bill 82, DVACK would like the committee to know that this bill is very important to the victims that we are serving, the program as a whole, and to all victims of sexual violence.

DVACK urges this committee to pass senate bill 82 which will help protect victims privacy and prevent irrelevant information from being introduced in any hearing leading up to and including the trial.



A United Way Agency

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Salina, Kansas 67402-1854
(785) 827-5862
1-800-874-1499

Senate Judiciary
2-9-05
Attachment 10



Domestic Violence Association of Central Kansas

Senate Judiciary Committee
SB 83
Proponent

Contact: Heather Soper

Chairman Vratil and Members of the Senate Judiciary Committee:

The Domestic Violence Association of Central Kansas (DVACK) is a non-profit organization in Salina Kansas that serves women and children who are in domestic violence or sexual assault situations that may need our support or services. The agency was incorporated in 1980 when a concerned group of citizens in Salina Kansas felt the need for services for victims of domestic violence and sexual assault.

Regarding the Senate bill 83, DVACK urges the committee to remove the marital exemption in the law that relates to sexual battery KSA 21-3517. DVACK has worked with victims who have been married to the perpetrator of sexual battery and explaining to them that their victimization is legal is beyond comprehension.



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Senate Judiciary

29.05
Attachment 11

DVACK



Domestic Violence Association of Central Kansas

Senate Judiciary Committee
SB 111
Proponent

Contact: Heather Soper

Chairman Vratil and Members of the Senate Judiciary Committee:

The Domestic Violence Association of Central Kansas (DVACK) is a non-profit organization in Salina Kansas that serves women and children in Ten counties in rural Kansas, who are in domestic violence or sexual assault situations that may need our support or services. The agency was incorporated in 1980 when a concerned group of citizens in Salina Kansas felt the need for services for victims of domestic violence and sexual assault.

Regarding the Senate bill 111, DVACK urges the committee to allow this bill to be passed. This would create funds for our agency that would then eliminate the need for matching funds on the federal grants that our agency applies for. Since the agency operates as a 501 C (3) non-profit we have to rely solely on grants, donations, and local businesses to provide our agency with funding to serve victims of domestic violence and sexual assault. All of these funds have been significantly reduced over the last couple of years, making it more difficult to match our existing federal grants. Furthermore, this has led to a reduction in our agency being able to expand services and reach the communities in the outlying areas that we cover, such as rural Kansas.

Again DVACK urges your favorable consideration. Thank you for your time.



A United Way Agency

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Senate Judiciary

2-9-05

Attachment 12

Senate Judiciary Committee

Judicial Sub-Committees:

1) Chairman and additional Sub-Committee Members:

Senator Bruce, Senator Betts, Senator O'Connor

SB 117-- If an offender resides within 1,000 feet of any licensed child care facility or any school, sheriff shall notify such facility or school

SB 145--Public court records filed on and after July 1, 2005 shall have any references to individual's social security number removed or rendered unreadable

SB 146--Increasing the compensation paid to chairpersons of medical malpractice screening panels

SB 148--Striking 5-year limitation on increase in repeat DUI penalties

SB 180--Preliminary screening tests for alcohol consumption by minors; admissible into evidence

2) Chairman and additional Sub-committee Members:

Senator Donovan, Senator Goodwin, Senator Allen

SB 135--Cruelty to animals, certain crimes a felony

SB 136--Transfer of certain real property in Wyandotte County upon death of owner to certain heirs

SB 137--Deprivation of rights under color of law

SB 171--Elimination of out of home services for youth ages 16 and up

SB 179--Enhancing penalties for offenses against children