

**SENATE JUDICIARY COMMITTEE
CONFEREE SUBMISSION FORM**

*Attach one completed copy of this form to
each set of testimony.*

**Please submit 30 hardcopies and
a digital file of your testimony in PDF form
by 10:30 AM the day before the scheduled meeting.**

Submit digital files to: **iris.evans@senate.ks.gov**

Deliver hardcopies to: **Room 541-E**

Contact Iris by phone at: **785-296-6817**

Date of Meeting 2/18/20

Bill #: HB 2467	OR	Presentation on:
-----------------	----	------------------

Print Name and phone number of person who will be testifying:

Michelle McCormick	785-354-7927
--------------------	--------------

Print Name and phone number of contact person if different:

--	--

Agency Represented:

YWCA Center for Safety and Empowerment
--

Check all that apply:

Proponent X	Opponent	Neutral
Oral Testimony (Speaking) X	Written Only (Not Speaking)	

*We appreciate your attention to these important details which enable better service for all. **Only one copy** of this cover sheet needs to be submitted with the set of 30 hard copies.*

HB 2467 as amended

Senate Judiciary Committee

February 17, 2020

SUPPORT

**eliminating racism
empowering women**

ywca

YWCA of NE Kansas

225 W. 12th Street
Topeka, KS 66612

P 785.233.1750

F 785.2334867

ywcaneks.org

To Chairman Wilborn, Vice Chair Rucker, and Members of the House Judiciary Committee:

Good afternoon and thank you for the opportunity to provide proponent testimony on House Bill 2467, which would eliminate Kansas's spousal exception for sexual battery.

My name is Michelle McCormick and I am the program director for the YWCA Center for Safety and Empowerment (CSE). For over 40 years, our program has provided services to victims and survivors of domestic violence, sexual violence, stalking and human trafficking. The vast majority of the thousands of people we serve each year are harmed by the person they are in an intimate relationship with, including the person to whom they are married.

I was stunned to learn that the current law does not allow equal protection for individuals who are married from acts of sexual violence as defined in the sexual battery statute, simply because that act may occur within a marital relationship. Many of the individuals we serve at CSE experience a broad range of victimization at the hands of their spouse including physical abuse, coercive control, and most certainly sexual violence.

The spousal exemption is not only a grave injustice, it also reinforces a deeply flawed and antiquated cultural norm indicating that consent is implied by the act of marriage, and that spouses do not retain agency over their own bodies. As we have started to come to grips with how much trauma and abuse occurs in our country due to the lack of understanding about consent, it seems unconscionable to me that we would allow a law to stand that allows unwanted sexually violent touch within marriages.

The current law is especially harmful to individuals who are sexually battered as part of an abusive marriage. Acts of sexual violence are perpetrated routinely by those who physically abuse their partners, to gain and maintain domination and control in the relationship.



YWCA of NE Kansas
225 W. 12th Street
Topeka, KS 66612
P 785.233.1750
F 785.2334867
ywcaneks.org

According to the CDC, 1 in 3 women have experienced sexual violence by an intimate partner (see Citation). Given this grim reality, it would be astounding that Kansas would continue to keep a marital exemption in the sexual battery law.

Additionally, I support the bill as amended with the changes suggested to the domestic battery bill. Prior to being named the Program Director at CSE, I worked for 7 years at the Kansas Attorney General's office as the batterer intervention program coordinator where I worked with others to develop the domestic violence offender assessment and certify the batterer intervention programs addressed in this bill. Though some may argue that this amendment is not germane to the original bill, I would suggest that they are more closely related, when one considers that sexual battery perpetrated by a spouse can be part of a domestically abusive relationship.

One of the constants in my experience is that domestic violence is a complicated public health problem which deserves complex and nuanced responses, but always toward the goal of reduction and resolution. However, our efforts to create effective responses, whether through criminal justice responses, child welfare system responses or elsewhere have at times fallen short due to a general oversimplification of the issue.

I worry that one such oversimplification is not understanding the seriousness of misdemeanor level domestic battery. I worry that when people consider this, they think "it can't be that bad if it is only a misdemeanor". However, after years of work with victims, survivors, and perpetrators of domestic violence, I can tell you that some of the cruelest of life's experiences qualifies as "only a misdemeanor" in our State. The criminal laws do not often capture the range of abusive behaviors that frequently accompany the physical acts of domestic battery. Because of this, I believe we should be assessing all offenders of domestic battery for their appropriateness for the specialized domestic violence intervention programs as certified by the Office of the Attorney General.

This would not be a new or controversial tactic. When a person receives a first offense for a DUI in our state, we do not wait until they receive a 2nd DUI before we order them to complete a substance use evaluation. I believe this is in recognition of the fact that for many, a first DUI conviction is not always the first time they were intoxicated and put others in danger by getting behind the wheel. In this case, it is critical that we take every precaution to make sure that the first time DUI offender receives the support they

eliminating racism
empowering women

ywca

YWCA of NE Kansas

225 W. 12th Street
Topeka, KS 66612

P 785.233.1750

F 785.2334867

yweancks.org

may need if they have a substance use problem, and therefore require them to get an evaluation and follow treatment recommendations on the first offense.

I would urge the Committee to view first time domestic violence offenders similarly. The first domestic battery conviction may be the first time someone physically harmed their significant other or family member and perhaps is not part of a series of dominating and controlling behaviors that are typically present in the relationships of those who persistently abuse their partners and families. However, my experience tells me that it is much more likely that the first domestic battery conviction is often simply the first time the individual was caught and able to be held accountable. In either case, it is the most responsible action to send these individuals to the certified professionals who can determine their appropriateness for a batterer intervention program.

For many victims, cooperating with a criminal justice process is a terrifying prospect. I believe we owe it to victims and survivors to take their experiences seriously, each and every time, and believe this change to the law is a step towards increasing their safety as well as supporting the individual who abuses to get the appropriate help they need as well.

I strongly encourage the Committee and the Legislature as a whole, pass HB 2467 for the safety of all Kansans.

Thank you for your consideration.



Michelle McCormick, LMSW
Program Director
YWCA Center for Safety and Empowerment

Citation: Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.