

SB204
House Judiciary Committee
March 11, 2021
PROPONENT

Chairwoman Warren and Members of the Committee,

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a statewide non-profit organization whose membership is the 25 sexual and domestic violence programs serving victims across Kansas. KCSDV provides information; training; and analysis and policy work on issues impacting victims of domestic and sexual violence, their families, and their communities.

KCSDV supports the passage of SB 204. Requiring a victim of a crime to undergo a psychological evaluation, the results of which could be used to discredit them is contrary to the interest of fairness and justice. Requiring a victim of a crime to submit to such an intrusive examination that could be used to discredit said victim in a criminal trial is institutionalized victim-blaming. The state of Kansas is better than that and our laws should reflect as much.

Additionally, perpetrators should not be allowed to benefit from their illegal conduct. Many survivors of crime suffer from post-traumatic stress disorder brought on by the violence used against them. This natural consequence of experiencing violence can present itself in many different ways. These presentations can appear as a whole host of symptoms that might be misinterpreted by mental health professionals not properly trained in trauma, leading to misdiagnosis. Victims should not be held accountable for behaviors directly attributable to their offenders.

Lastly, those with psychological disabilities are more vulnerable to abuse and violence than the general population. Individuals with intellectual disabilities are seven times more likely to be victims of violence and 49% of individuals with intellectual disabilities are assaulted 10 or more times in their lifetime.¹ Predatory behavior is common in situations where there is sexual and domestic violence. Criminals should not be able to exploit the disabilities of their victims as a means to create doubt about their wrongdoing.

All victims deserve to be safe and have access to the criminal justice system.

Sincerely submitted on behalf of KCSDV,

Lindsie Ford, JD
KCSDV Staff Attorney

¹ Bureau of Justice Statistics, National Crime Victimization Survey, 2008-2012; and U.S. Census Bureau, American Community Survey, 2008-2012.