

HB 2575
House Committee on Judiciary
Written Testimony
February 7, 2022
Proponent

Chairperson Patton 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 on issues impacting victims of domestic and sexual violence, their families, and their communities. Our members, the local advocacy programs, are committed to providing quality services to victims of sexual assault and domestic violence, empowering victims to live independently without the ongoing fear of violence, and to help victims secure resources necessary for a safe and healthy future.

KCSDV supports the passage of HB 2575. So often when people think about victims of domestic violence and sexual assault they do so only through the lens of their status as a victim. This limited context and understanding can be problematic for survivors who have special needs and considerations that are not typically associated with the preconceived notion of what a victim should look like. In many cases, years of abuse and trauma can cause victims to make decisions that might negatively impact their ability to move forward and create a safe and stable life for themselves. These decisions can lead to criminal convictions that hinder their ability to access gainful employment and even public housing assistance.

There are many situations in which a victim is forced to engage in illegal activities as a part of their abuse. I once worked with a young mother whose husband forced her to engage in prostitution throughout their marriage, usually through very violent means. As a result, she had a conviction that disqualified her from numerous jobs and public benefits. She suffered from severe post traumatic stress disorder and experienced ongoing significant medical needs as a direct result of the horrific abuse she survived. Navigating a complex expungement process on her own would have been inconceivable with her level of trauma and her distrust of the criminal justice system. Her criminal conviction was not just the result of the abuse she suffered but served as a mechanism for the effects of the abuse to continue long after she was able to end the relationship.

While our current statutory model does allow for the expungement of certain crimes, this process can be cumbersome and challenging. It can also be expensive, especially in light of the limited financial resources most survivors have access to as they try to flee dangerous situations. It can also be incredibly difficult for victims to utilize when they are still living with and subject to the whims of an abuser who understands that the ongoing existence of the conviction limits their victim's ability to leave. Creating a process by which a victim can have their criminal convictions automatically expunged creates a system in which an abuser cannot use the criminal justice system to further victimize a survivor.

This bill is an important first step towards creating a process by which survivors can address some of the barriers that exist to them establishing a safe and healthy future. For these reasons, we support the passage of HB 2575.

Sincerely submitted on behalf of KCSDV,

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