

HB 2079

Committee on Judiciary

February 6, 2019

SUPPORT

**eliminating racism
empowering women**

ywca

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To Chairman Patton, Vice Chair Ralph, and Ranking Member Carmichael and Members of the House Judiciary Committee:

Good afternoon and thank you for the opportunity to provide proponent testimony on House Bill 2079, 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.

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.

I strongly encourage the Committee and the Legislature as a whole, pass HB 2079 for the safety of all Kansans.

Thank you for your consideration.



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