

**SB 355**  
**Senate Judiciary Committee**  
**WRITTEN TESTIMONY**  
**February 19, 2020**  
**PROPONENT**

Chairman Wilborn and Members of the Committee,

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a statewide non-profit organization whose membership is the 27 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 355.** 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. Victims of other violent crimes are not routinely subjected to psychological or psychiatric evaluations. Requiring a victim of a sexually violent 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 sexual assault suffer from post-traumatic stress disorder brought on by their attack. This natural consequence of sexual assault 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 sexual assault than the general population. Individuals with intellectual disabilities are seven times more likely to be victims of sexual violence and 49% of individuals with intellectual disabilities are assaulted 10 or more times in their lifetime.<sup>1</sup> Those who prey on the most vulnerable parts of our society should be held accountable for victimizing the weak. Perpetrators should not be allowed 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,

Sara Rust-Martin, JD, MSW  
Legal and Policy Director  
KCSDV  
634 SW Harrison Street  
Topeka, Kansas 66603

---

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