



Metropolitan Organization to Counter Sexual Assault

February 16, 2017

**2017
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Kansas Senate Committee on Judiciary
Senator Rick Wilborn, Chair

RE: 2017 SB 101: Amending the Protection from Abuse Act and Protection from Stalking Act to establish the Protection from Stalking or Sexual Assault Act

TESTIMONY OF MOCSA
SUPPORTING SB101

Chairman Wilborn and Members of the Committee,

My name is Julie Donelon, President and CEO of the Metropolitan Organization to Counter Sexual Assault or MOCSA. I wish to thank you for this opportunity to voice our support of SB 101 "Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act." I would like to thank Senator Pettey, Senator Bollier and the 25 other senators who have listed their sponsorship and support for this important legislation which impacts many of the 65,000 individuals we provided services for last year through counseling, education and advocacy.

The current laws fail to provide necessary protection for victims of sexual assault. Last year, a young woman, whom I will refer to as Rachel, experienced this first hand. Rachel is from Overland Park, KS and was sexually assaulted by a coworker. Rachel went to a local hospital to have a rape kit conducted and a MOCSA advocate met her there. While at the hospital, a police officer came to take a report. Rachel said she was terrified that the perpetrator might hurt her in the future and asked the advocate and police officer for assistance in filing a civil protection order. The advocate had to delicately explain to Rachel, hours after she was raped, that while she could attempt to file for a protection order, sexual assault is not specifically covered and as a result she may not qualify. You can imagine the terror that she must have felt after learning this: feeling vulnerable, scared and unprotected.

Under the current State law she would only be able to obtain an order of protection if the perpetrator also harassed her, allowing her to qualify for a Protection from Stalking order, or, if she and the perpetrator had dated or lived together, allowing her to qualify for a Protection from Abuse order.

Kansas is one of only 17 states in which this scenario is an all too common occurrence. In fact, if the sexual assault Rachel experienced had taken place only a few miles to the east in Missouri, Rachel would be able to apply for a protection order. But under our current law, Kansas survivors of sexual assault are told that being sexually assaulted is not enough to qualify for a protection order. Senate Bill 101 seeks to amend that and provide sexual assault survivors with protection from their perpetrators.

**2017
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President & CEO
Julie Donelon, MSW

The majority of survivors that MOCSA advocates work with do not qualify for an order of protection in Kansas because the perpetrator who sexually assaulted them was not an intimate partner or household member and because their assault did not meet the definition of stalking, which requires a course of conduct involving two or more separate acts. Instead, these survivors were victimized by an acquaintance or someone they just met. They are extremely fearful for their safety because the perpetrator usually knows where they live, work, or go to school and could easily contact them at those places, or by phone or online.

Survivors tell us that they are confused as to why they must wait to experience another horrible act by the perpetrator before they can meet the qualifications for an order of protection from stalking.

Sadly, the majority of sexual assault survivors will never see their perpetrators brought to justice in criminal court, so obtaining an order of protection provides a much needed civil option for their safety and validation. It is unacceptable that many survivors of sexual assault currently do not have this option.

I strongly urge the Senate Judiciary Committee to support SB101 and send a strong message to survivors that sexual assault is a horrific crime and they deserve full protection from their perpetrator. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Donelon".

Julie Donelon,
President and CEO