

HB 2467
Senate Committee on Judiciary
February 18, 2020

SUPPORT

Chairman Wilborn, Vice Chair Rucker, and Ranking Member Miller and Members of the Senate Judiciary Committee:

Good afternoon and thank you for the opportunity to provide proponent testimony on House Bill 2467, which would eliminate Kansas's spousal exception for sexual battery. I am Sara Rust-Martin, Legal and Policy Director at the Kansas Coalition Against Sexual and Domestic Violence (KCSDV). The Coalition is comprised of the 26 domestic violence and sexual assault advocacy programs covering all 105 counties in Kansas. On behalf of the Coalition and Kansas advocacy programs, we strongly encourage the passage of HB2079.

Although marital rape is illegal in Kansas, as well as nationwide, the notion of marital privilege or exemption dates from an era when a man could only be charged with the crime of rape if the alleged victim was not his wife—an era that only ended in the United States on July 5, 1993 when North Carolina criminalized marital rape, becoming the final state to do so.

Although marital rape is illegal in the United States, Kansas is one of eight states continuing to allow exceptions for sexually based crimes when the offender is the spouse of the victim.

This archaic thinking dates back to 17th century common law, when a women's unconditional sexual consent was considered part of the marital contract. If we allow this spousal exception to continue then we are memorializing and honoring a belief and a system rooted in disenfranchisement, violence, and misogyny.

Independent researchers like Diana Russell have collected data on the frequency of marital sexual violence, including rape and battery. While it is still an understudied topic, estimates from 2006 tell us that between 10 to 34 percent of women have been raped or sexually assaulted by a spouse or intimate partner. The Center for Disease Control (CDC) estimates that more than half of female sexual battery and rape victims report the violence occurred at the hands of an intimate partner.

Approximately 58 percent of the girls and women who died in 2017, died at the hands of an intimate partner or relative. Yet, the KBI tells us that sexual violence (including sexual battery and rape) is considered one of the least reported crimes.

KCSDV also supports the House amendments or additions of imposing a first-time conviction penalty on domestic violence abusers. The amendment would require the abuser to seek an assessment and follow all recommendations. This seems like action that should be taken at the time of the first conviction rather than waiting for what we know is coming next and doing nothing to intervene.

Kansas strives to do what is right for its people, communities, and state. The exception for spousal sexual battery is wrong. It must be changed. The Coalition and our 26 member programs again ask for the immediate passage of HB2467.

Thank you for the opportunity to speak to you today about this important topic.

I will stand for questions.

Submitted by,
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