

The Sexual Assault Crisis Service of the YWCA New Britain
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Testimony of Erica Mello, Child Advocate
In Support of HB 6641, An Act Concerning the Sexual Assault of Persons Whose Ability to
Communicate Lack of Consent is Substantially Impaired.

My name is Erica Mello, and I am a Child Advocate with the Sexual Assault Crisis Service, a program of the YWCA New Britain. SACS provides free and confidential services to residents of 46 towns in the Central Connecticut region. This includes a 24-hour English and Spanish language hotline, short-term crisis counseling and support groups, as well as medical, court and police accompaniments. Based on my work with survivors, I would like to testify in support of HB 6641, An Act Concerning the Sexual Assault of Persons Whose Ability to Communicate Lack of Consent is Substantially Impaired.

Revisions to current state statute are essential to ensure offenders who assault residents with disabilities are held accountable. Vulnerabilities in the current state statute were made especially clear following the Connecticut Supreme Court's decision in *State of Connecticut v. Richard Fourtin (2012)*. By defining "physical helplessness" so narrowly as to only protect individuals who are "unconscious or in a state akin to unconsciousness", a woman who could not eat, walk, or perform activities of daily living unassisted was left unprotected by law and the conviction of her offender was overturned. This decision is especially troubling given the increased chance of victimization disabled individuals face. Working with clients who could possibly fall victim to this loophole cements the urgency to provide protection for those most in need.

HB 6641 would expand the definition of "physically helpless", removing the obligation of disabled victims to physically resist an attack. This is a crucial step in holding offenders accountable and taking the burden off of victims to physically resist an attack in order to prove sexual assault. Shock, safety concerns and fear all play a role in a victim's response to an assault, expecting any victim of sexual assault to physically resist an attack is asking them to ignore basic survival instincts. Additionally, HB 6641 would replace terms such as "mentally defective" within the statute with more dignified language. These revisions would be indicative of Connecticut's commitment to respect and protect all victims of sexual assault.

I hope that the Committee will see the importance of ensuring the protection of disabled victims of sexual assault and is in support of HB 6641. Thank you for your consideration.