

**Testimony of Susan Lloyd Yolen, Vice President, Public Policy & Advocacy,
Planned Parenthood of Southern New England, regarding
HB 6641, An Act Concerning the Sexual Assault of Persons Whose Ability to Communicate
Lack of Consent is Substantially Impaired.**

Good afternoon members of the Judiciary Committee. I am Susan Yolen, Vice President for Public Policy and Advocacy for Planned Parenthood of Southern New England, the state's largest provider of family planning and reproductive health care. Each year, PPSNE cares for nearly 70,000 patients at 18 health centers in Connecticut and Rhode Island.

I would first like to say that Planned Parenthood has long worked with the disability rights community, and been cognizant of the desperate need for access to basic reproductive health care by women with disabilities. All too often, women who are physically, mentally or developmentally disabled are unaware of places where they can go to for sexual health care, treatment, basic reproductive exams and contraception. Many health providers are unaware of these needs and don't offer the services or own the equipment necessary to offer appropriate care. More disturbingly, many health providers do not realize that women with disabilities both engage in healthy, consensual sexual behavior and at the same time, regrettably, are sexually assaulted twice as often as those without a disability.

So the fact that we have an egregious result in *State of Connecticut v Richard Fournin* is no surprise. The result of this ruling is that in order to be considered physically helpless, and to receive special protection from sexual assault, an individual must be "unconscious or in a state akin to unconsciousness." The only suspense in this situation will be how long it takes the General Assembly to rectify this injustice that has resulted in at least two sex offenders being released from prison because of the failings of our state statutes.

The changes to HB 6641 include removing the hideously offensive term "mentally defective" and replacing it with more acceptable language describing those with mental disability or disease. Even more critical, the language will clarify the definition of "physical helplessness" to mean that a person is physically helpless when he or she is conscious but physically unable to resist or communicate unwillingness to submit to a sexual act.

As you know, the Court ruled that although the victim in the *Fournin* case could not speak or walk and needed assistance with all activities of daily life, she still, theoretically, could have resisted her rapist by biting, kicking or scratching him. How can we consider ourselves residents of an enlightened State when we hold disabled rape victims to such a standard, and we allow rape convictions to be overturned in such a case? Individuals with disabilities deserve our protection and the presumption that we all should expect: that each of us will do whatever is possible and to resist rape if we are confronted with that threat. People with disabilities deserve the same justice

As advocates for reproductive justice we believe all people should be free of oppression and have the right to independent decision making when it comes to their bodies, gender and sexuality. When we have unfair laws that disadvantage marginalized communities we have created an unjust and unequal system. HB 6641 will ensure that all people with disabilities who have survived sexual assault are treated with the same respect and dignity under the law. We are aware that this legislation has come before the General Assembly without action for four years, and this is a shame. Virtually everyone agrees...this is a good bill, and regardless of the many difficult challenges facing the legislature this year, it must be enacted before the tragedy of another *Fournin* ruling is allowed to stand. Planned Parenthood urges passage of HB 6641. Thank you.