

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-3

Title: AN ACT COMBATTING SEXUAL ASSAULT AND SEXUAL HARASSMENT.

Vote Date: 4/12/2019

Vote Action: Joint Favorable Substitute

PH Date: 4/1/2019

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

Senator Flexer championed a bill to reform the statute of limitations on sexual assault crimes and strengthen the states employer sponsored sexual harassment training laws.

SUBSTITUTE LANGUAGE increased but not eliminated the statute of limitations for reporting sexual assault crimes; made changes to CHROs role in reporting workplace harassment; expands requirements for employers to train employees on sexual harassment laws & extends time to file employment discrimination complaints.

RESPONSE FROM ADMINISTRATION/AGENCY:

Office of the Victim Advocate, State Victim Advocate Natasha Pierre provided testimony in support of the elimination and/or extension of the statute of limitation in both criminal and civil sexual assault cases. It is the opinion of the OVA that the current statute of limitations hinders the constitutional right of victims to be treated fairly and with respect throughout the criminal justice process.

Office of the Chief Public Defender, Chief Public Defender Christine Perra Rapillo submitted testimony in *opposition* of the elimination or drastic extension of the statute of limitations. Attorney Rapillo feels that the proposed changes to the existing law would make it difficult or impossible for criminal defendants to receive due process and a fair trial. The Office of the Chief Public Defender is also concerned that the increase in sexual assault cases would further stress their annual budget which is already taxed due to cuts over the years.

State of Connecticut Division of Criminal Justice the DCJ did not take a specific position on the bill. The DCJ did note that as the agency tasked with the responsibility of the investigation and prosecution of all criminal matters in the state that they would be most directly impacted by any change to existing statute of limitations. DCJ also noted that a change in the statute of limitations would not open the door for investigation and or prosecution of criminal acts for which the current statute of limitation has already expired (With the notable exception of section 54-193b which allows for the prosecution of certain felony sex crimes in which an offender has been established through DNA evidence). While the DCJ doesn't take a specific position they do stand ready to work with the Committee, the defense bar, and other interested parties to discuss the implications of a change in policy, opine on what constitutes the appropriate statute of limitation, and implement any policy decision made by the General Assembly.

Connecticut State Treasurer Shawn T. Wooden provided testimony in strong support of the sexual harassment portion of the bill. Treasurer Wooden notes that the need for this legislation is borne out of fact. Treasurer Wooden included data from a recent study that finds that 81% of women and 43% of men experience some form of sexual harassment in their lifetimes. Treasurer Wooden feels that this legislation would improve awareness, support the development of and access to training materials, and help public and private employers meet their respective training requirements. Wooden opines that the legislation would also improve the enforcement of workplace discrimination bills by extending filing deadlines, expanding CHRO's ability to bring civil action, and toughening penalties and damages.

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Connecticut Commission on Women, Children and Seniors and Commission on Equity and Opportunity, Executive Director Steven Hernandez fully supports the bill and the expansion of CHRO sexual harassment training requirements for all new employees. CWCS/CEO supports the bills strengthening the law by providing victim privacy and addition remedies such as attorney fees, workplace protection for the reporting employee and the expansion of the statute of limitations. CWCS/CEO also supports the extended criminal liability of those who would engage in sexual contact with a mentally incapacitated person and the elimination of the statute of limitations for the prosecution of felony sexual assault.

Connecticut Commission on Human Rights and Opportunities, Executive Director Tanya Hughes The CHRO supports the many aspects of the bill that combat sexual harassment in the workplace. CHRO also supports their expanded role in developing and disseminating training information and guidelines.

NATURE AND SOURCES OF SUPPORT:

Senate Democrats: Senator Looney, Senator Abrams, Senator Cohen, Senator Haskell, Senator Duff, Senator Anwar, Senator Fonfara, Senator Leone, Senator Maroney, Senator Needleman, Senator Moore. Senate Democrats and a cohort of Senators provided testimony in support of SB 3. The testimony uses the example of Harvey Weinstein to advocate for elimination or expansion of the statute of limitations. If Weinstein had committed these crimes in Connecticut the five year statute of limitations would have expired before victims came forward. The testimony also notes that the statute of limitations in Connecticut is one of the shortest in the nation with only two states with shorter limits. The testimony also supports the changes to the sexual harassment training laws.

State Senator 14th District, James Maroney supports the bill and focused his testimony on the importance of eliminating the statute of limitations specifically for sexual assault of a child. He also recommended that parents be offered training and information disseminated online and through schools.

State Representative 22nd District, William A. Petit, Jr. MD submitted testimony encouraging language from the current statute “engage in” and “perform” to “submit to”. Representative Petit points out that the current language implies consent that is not present in sexual assault.

Yale School of Medicine Lecturer Dept. of Psychiatry, Assistant Professor of Psychiatry UCONN Medicine, Andrew W. Meisler, Ph.D, notes that childhood sexual abuse has severe emotional, social, and vocational impacts on survivors and that these effects often become chronic and lifelong. A statute of limitations on CSA and other childhood trauma is not consistent with the actual clinical impact.

Connecticut Trial Lawyers Association notes that Connecticut is not alone in considering legislation to lengthen or eliminate the statute of limitations for reporting sexual violence. The CTLA does urge the elimination of the words “or before” in subsection b of section 19.

Connecticut Alliance to End Sexual Violence Director of Policy and Public Relations Lucy Nolan notes that “the opportunity to seek justice should not have an expiration date” Ms. Nolan notes that the 3 year statute of limitation is a short window that victims currently have to recoup monetary losses such as; loss of wages, moving costs, therapy, and other expenses. The Alliance supports the elimination of the statute of limitation for both civil and criminal cases for sexual violence crimes. The Alliance also supports the expansion of the workplace discrimination law. The Alliance recommends expanding the training content in sections 1 and 3 to include bystander intervention skills, discussion of workplace civility and expected behavior in the workplace.

Connecticut Alliance to End Sexual Violence Post-Conviction Victim Advocate Bridget Koestner outlined several reasons, based on her experience as a victim advocate, that people wait years to report sexual violence crimes including victim isolation, mutual family

and friends with offender, sexual assault myths, victim blaming, PTSD, victim shut down, and waiting until they realize that someone else has been victimized before coming forward.

Connecticut Alliance to End Sexual Violence Post-Conviction Victim Advocate Ashlei Flemming outlines similar reasons for delays in reporting as Ms. Koestner. Ms. Flemming also shares that she carries with her the stories of upwards of 14 people who have yet to proceed with legal action and the public scrutiny that comes with it.

Connecticut Alliance to End Sexual Violence Post-Conviction Victim Advocate Dylan Figueiredo echoes the testimony of their colleagues that often victims need more than 5 years to process what has happened to them and come forward to seek justice. Also notes that Connecticut has one the nation's shortest statute of limitations.

Safe Haven of Greater Waterbury Adult Advocate Heather Francisco points out that she works with many adult victims who struggle with the thought that they will never have justice because they missed the small window of time to report the crime against them.

Safe Haven of Greater Waterbury Adult Advocate Sarah Holmes notes that sexual assault thrives in secrecy and shame and that victim often wait decades to share their victimization. Ms. Holmes points out high profile cases that demonstrate the ability of offenders to victimize people for years before they are reported (Cosby, Sandusky, Weinstein, Nassar, Clergy)

The Center for Family Justice Inc, Director of Legal & Court Advocacy Services Angela Schlingheyde, JD supports the elimination of the current statute of limitations. The testimony revealed a story of a young man with autism who was assaulted and did not come forward until after the statute of limitations had expired. The testimony included information from the National Institute of Health that sexual violence is the leading cause of Post-Traumatic Stress Disorder. The testimony also opines that sexual violence is different from any other crime and it often takes victims longer to process and that sexual violence crimes are grossly under reported RAINN reports that only 310 out of every 1000 sexual assaults are reported. The testimony states that the effects of sexual violence last a life time and that victims need time and space to accept and process their victimization and move past their trauma before taking criminal or civil action

Women's Center of Greater Danbury Legislative Liaison Ann Rodwell-Lawton submitted testimony in support of the changes to the statute of limitations proposed in the bill stating that "Justice should not have an expiration date." The testimony shares the story of an adult victim who reported sexual abuse by a family member over many years. Only one act or incident out of many fell within the current statute of limitations. The victim felt like only one act of violence was legitimized by the police. The testimony reiterated the need for time for both victims and the prosecutors.

Planned Parenthood of Southern New England Director of Public Policy, Advocacy & Strategic Engagement Gretchen Raffa, MSW supports victims of harassment and sexual assault by supporting better polices to prevent and respond to sexual harassment and sexual violence. Raffa notes that at just five years Connecticut has one of the shortest reporting windows in the country. Raffa strongly encourages support of SB 3 which allows victims time

to heal and find strength to move forward knowing the person who harmed them can be held accountable.

Planned Parenthood of Southern New England Generation Action Intern Claire Pritchard testified that victims situations can change drastically over the years and it may take more than five years to find the support network to come forward.

Susan B. Anthony Project, Inc. Executive Director Jeanne S. Fusco notes that investigations into sexual assault can take an inordinately long time. She feels that the statute is too short and doesn't allow for victims to process their trauma and come forward. She hopes this bill passes so that she can replace a victim's fear with hope.

Susan B. Anthony Project, Inc. Community Educator Amanda Moreau MPH points out that while Connecticut is a leader in many progressive initiatives; our sexual assault laws lag way behind the rest of the nation. Ms. Moreau further notes all the reasons victims may not come forward.

Connecticut Coalition Against Domestic Violence notes that eliminating the statute of limitations does not change the burden of proof. Statute of limitations is the 3rd shortest in the country. Victims need time to heal.

Connecticut Women's Education and Legal Fund points out that the #timesup and #metoo movements have shined a stark spotlight on sexual harassment and its presence in every sector. Notes that sexual harassment in the workplace threatens economic survival, especially for women who are disproportionately impacted.

Child USA CEO & Academic Advisor Marci Hamilton and University of Pennsylvania Professor of Practice Robert Fox submitted testimony calling child sexual assault a world wide epidemic. They feel like there are untold numbers of predators preying on children in CT because of our short statute of limitations.

32BJ SEIU Vice President and District Leader Juan Hernandez On behalf of members **proudly** stands behind any efforts to protect workers from harassment and abuses of power. Feels that SB 3 guides employers on sexual harassment prevention while supporting employees with a focus on stronger protections and remedies

ACLU Executive Director David McGuire notes many of the reasons victims do not come forward and supports movement to reassess Connecticut's statute of limitations but *does not support* a full elimination of the statute of limitations.

Permanent Commission on the Status of Women in Connecticut Executive Director Tina Corpus believes that the current statutes of limitations are inappropriately set and that this bill fixes that. Points out that the modifications to the statute of limitations creates the right to hear the case not the right to win the case.

Core Associates Federal Partner, National Resource Center on Justice Involved Women, Co-founder Women's Justice, Executive Director Alyssa Benedict, MPH testimony offers reminder about research on trauma and the impacts of sexual assault and why a statute of limitation is antithetical to trauma informed care.

Women and Families Center Director of Prevention & Intervention Services Carissa Conway testimony states that five years is not enough time for survivors to come to terms with their assault and that victims need the right to take the time they need to disclose the crime against them.

Connecticut Trial Lawyers Employment Law Committee Chairman Lewis Chimes urges adoption of Section 13 (included in the testimony) and reinstating of punitive damages as a potential remedy in discrimination and harassment cases.

Jane Doe No More Founder and President Donna Palomba testified to her own assault and re-victimization when coming forward. She also shared stats on the victims who go through the Jane Doe No More Program

Jane Doe No More Representative Tina Dambowsky shared a personal story of childhood abuse and incest and the effects of not being able to seek justice when she was finally ready to come forward.

Stop Child Predators President Stacie Rumenap forwards that “Justice delayed is often justice denied”. Elimination of the statute of limitations is an opportunity for victims to reclaim their voice.

Jacquelyn Rostow testified to her personal story which involved a signed confession letter from her attacker. She was still not able to seek justice because of statute of limitation laws. Testimony also includes numerous links to information about sleep rape.

Kerry Visone testified to her personal story and her struggle to process the trauma of her attack. Offered support for the “look back” provision in the bill

Jeremy Visone offered testimony supporting an extension of the “reviver” or “look back” window.

Lauren Bolstridge shared her personal story of how the 5 year statute of limitations negatively impacted her life after being raped by a person who she knew in her home.

Gene Prorok testified to the effects of his abuse in the Norwich Diocese. He notes the effect of the statute of limitations on his ability to seek justice when he was ready to come forward.

Virginia Petitti Sorrentino shared her story of sexual assault by a priest and that once she was ready to share her story she had no outlet for justice.

Louise Michaud testified to her personal story of several assaults and her inability to come forward in the current time frame.

Andrea Michaud shared her story of abuse and its effects on her including attempted suicide. She notes that abusers often victimize multiple people over long periods of time and that allowing women to come forward longer means stopping more abusers.

Andrea Mendoza shared her story of sexual assault and her mistreatment by officers when she initially attempted to report her assault and the mishandling of her case by a member of the Hartford PD and the subsequent expiration of the statute of limitations.

John McGuire testified to his own story of sexual abuse in the Church and the catastrophic effects on his life. He shared that when he was old enough to realize that the priest had manipulated and lied to him he was three weeks too late to report his assault.

Our Revolution Against Rape, Officer Natalie Roach shared that many people that she has seen at rallies are not able to come forward until they have left their hometowns and moved away from their perpetrators.

Joan Lattin Carpenter shared her personal story of abuse for years by a Catholic Priest and urged the committee to extend the statute of limitations for victims like her.

Lynn Laperle shared her personal story of abuse and not coming forward for 30 years until she heard that her abuser had victimized someone else.

Steve Kennedy shared his story of abuse by a Catholic Priest and the years that it took to process his trauma and come forward.

SNAP CT Co-leader Gail Howard testified to personal story of clergy abuse. Her personal abuse led her to facilitate monthly groups for survivors. She noted that since the PA Grand Jury report came out she received numerous call from persons who did not report their assault within the current time frame.

Maryellen Harris testified to her abuse at a Catholic school in CT. She stated that the current statute of limitations is like saying that her assault at 8 years old does not matter and that justice is irrelevant.

Duane Michael Gray shared his story of sexual assault in the Catholic Church and the devastating effects that it has had on his life.

Mark Fuller shared his story of clergy sexual abuse. Mr. Fuller forwards that the current statute is unjust and way less progressive than other states, he notes that the nature of sexual abuse is to create victims that may not see the hurt until years later.

Edmund H. Earle shared his story of sexual assault by a Catholic Priest and his mother's request that they not tell anyone so that his father wouldn't find out.

Raymond Dziedzic testified to sexual abuse by a Catholic Priest and the effect that it had on his life. He stated in his written testimony "My greatest regret is that I didn't come forward earlier."

Andrew Aspinwall testimony is a story of sexual assault by a Catholic Priest (Charles Manning). The Father was transferred from another parish where he was suspected of sexual assault to Mr. Aspinwall's parish. He notes the specific difficulties of reporting sexual assault within a church.

Jane Doe is an anonymous testimony about a sexual assault. The testimony notes that the statute of limitations makes it difficult to obtain justice and healing.

Michael Casey testified about sexual abuse by a Catholic Priest and the effects of it on his life. The release of 48 names by the Hartford archdiocese reopened old wounds for victims who deserve to be able to seek justice.

Connecticut Women's Consortium employee Kathleen Callahan notes that workplace harassment is persistent and often unreported. The testimony includes data from CHRO that the number of complaints alleging sexual harassment in the 2018 fiscal year rose by nearly 62% over 2017 and that there is reason to believe that the number will continue to rise. (Source cited)

Naza Bungu testified that as victim she reported her sexual assault to the Bridgeport PD and nothing was done. She lists names of officers she spoke to. When she pushed to advance her case the statute of limitations had expired.

Anonymous Testimony about a sexual assault by a Catholic Priest and the personal effects of the trauma, including starting to drink at 12 years old.

Anonymous Testimony about a sexual assault with the date rape drug. Testimony notes the factors and influences that can "severely span the spectrum" on how and when people report their assault.

Jennifer Wenderoth-Holster shares her story of sexual assault while a student at Connecticut University. She immediately reported her assault and endured a rape kit, questioning, and exams. Her sexual assault and rape kit were lost. She fought for five years to try and get her case to go to court. Her rapist was never charged because of the five year statute of limitations.

NATURE AND SOURCES OF OPPOSITION:

Father Ted Tumicki testified that he is the pastor of three churches and a canon lawyer. He also oversaw the sexual abuse prevention efforts of the Norwich Diocese from '03-'10. He supports the elimination of Sovereign Immunity. He states he has "mixed feelings" about a look back window.

CBIA Vice President of Government Affairs Eric Gjede offered comments of sections 1-17 of the bill. States the proposed law is more expansive than other states. The testimony asks that section 4 of the bill be removed. CBIA opposes section 14. Testimony states that training materials should be provided at no cost.

National Federation of Independent Business notes that it is not clear if there will be a cost to training materials. NFIB expresses concern about sections of the bill that would expand the scope of allowable damages.

Connecticut Catholic Public Affairs Conference forwards that an extremely long or non-existent statute of limitations can lead to sociological and economic harm. The testimony states that it is difficult to judge actions of long ago. It also states that insurance from years past would not be adequate to cover claims.

American Tort Reform Association, Cary Silverman, Esq. provides in depth information of the statute of limitations and the risk of eliminating it.

Reported by: Bobbye Knoll Peterson

Date: 4/23/2019