



**Testimony before the Judiciary Committee of the Connecticut General Assembly submitted
by Steven Hernández, Executive Director of the Commission on Equity & Opportunity
(CEO) and Commission on Women, Children, & Seniors (CWCS)
Monday, April 01, 2019**

**Re: In support of S.B. No. 3; S.B. No. 693; S.B. No. 913; H.B. No. 7396; and H.B.
No. 7399.**

Senator Winfield, Representative Stafstrom, ranking & other distinguished members of the Judiciary Committee: My name is Steven Hernández, Executive Director of the Commission on Equity & Opportunity (CEO) and Commission on Women, Children, & Seniors (CWCS). Thank you for the opportunity to provide testimony in support of several bills before you today.

S.B. No. 3 (Comm) An Act Combatting Sexual Assault And Sexual Harassment.

The Commissions fully support Senate Bill 3 which, as proposed, would expand CHRO sexual harassment training requirements to all new employees. We define “sexual harassment” as “any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (i) **submission** to such conduct is made either **explicitly or implicitly a term or condition of an individual's employment**, (ii) submission to or rejection of such conduct by an individual is used **as the basis for employment decisions affecting such individual**, or (iii) such conduct has the purpose or effect of **substantially interfering with an individual's work performance** or creating an **intimidating, hostile or offensive working environment.**”

This bill further strengthens our laws by expanding privacy protections for victims, allowing for damages and attorneys’ fees, in addition to existing remedies, workplace continuity protections for a reporting employee, as well as an expanded statute of limitations.

This bill also extends criminal liability to those who would engage in sexual contact with a mentally incapacitated person who cannot consent to such contact. In this instance, “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling such person's conduct owing to the influence of a drug or intoxicating substance administered to such person without such person's consent, or owing to any other act committed upon such person without such person's consent. With date rape continuing to be an alarming concern for our young people, particularly in college campuses, it’s important that these protections be strong and clear.



The Commissions supports the elimination of the statute of limitations for the prosecution of felony sexual assault. We note that California, Colorado, Illinois, Iowa, Montana, Texas and Washington have a ten-year statute of limitations. Maine has an eight-year statute. North Dakota has a seven-year statute while Oregon, Vermont, Arkansas, New Hampshire and Hawaii have a six-year statute of limitations. Florida has a four-year statute. Minnesota has the shortest statute of limitations of three years.

A few states have statutes of limitations that are longer than ten years in duration. For example, Pennsylvania has a twelve-year statute of limitations. Georgia, Massachusetts and Washington, D.C. have fifteen-year statutes of limitations for some forms of rape. Ohio has a 20-year statute of limitation for rape.

As many recent high profile cases of past sexual assault have illuminated, reporting sexual assault can be delayed by so many factors, not the least of which are fear, shame, and a hope that the pain of the experience will just “go away”. The fact is that the damage can last a lifetime. You will hear testimony about judicial efficiency and an opportunity for due process and a fair trial for the accused; with technology and evidence increasingly more available arbitrary statutes of limitations seem increasingly archaic. Rather than “catching up” to states like Texas, we should eliminate the statute of limitations altogether and allow victims to find justice under our law.

Finally, the bill would require that school administrators alleged to have engaged in sexual harassment be immediately suspended pending investigation. This is the best way to both ensure the safety of the victim, while ensuring the integrity of the investigation.

S.B. No. 693 (Comm) An Act Concerning Additional Housing Protections For A Victim Of Family Violence Or Sexual Assault.

The Commissions strongly support S.B. 693. In cases of domestic violence, a protective order can be the only thing that stands between a victim and a perpetrator, but it may not be enough. Where the law prohibits or is unclear about whether a person may change the locks of a rental unit to protect against intrusion and, potentially, further violence from a perpetrator, this bill would help us extend an important safety measure to victims who all too often fear for their safety and that of their loved ones.

S.B. No. 913 (Raised) An Act Concerning The Extension Of The Statute Of Limitations For The Prosecution Of Sexual Assault.

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H.B. No. 7396 (Raised) An Act Concerning Parity Between Sexual Assault In The Case Of A Spousal Or Cohabiting Relationship And Other Crimes Of Sexual Assault And Concerning The Investigation Of A Family Violence Crime.

The Commissions support parity in spousal or cohabiting relationship assault and other crimes. According to the National Coalition Against Domestic Violence:¹

- In the United States, an average of 20 people experience intimate partner physical violence every minute. This equates to more than 10 million abuse victims annually.
- 1 in 4 women and 1 in 9 men experience severe intimate partner physical violence, intimate partner contact sexual violence, and/or intimate partner stalking with impacts such as injury, fearfulness, post-traumatic stress disorder, use of victim services, contraction of sexually transmitted diseases, etc. This is commonly considered “domestic violence”.
 - 1 in 3 women and 1 in 4 men have experienced some form of physical violence by an intimate partner. This includes a range of behaviors and in some cases might not be considered “domestic violence”.
 - 1 in 7 women and 1 in 25 men have been injured by an intimate partner.
 - 1 in 10 women have been raped by an intimate partner. Data is unavailable on male victims.

¹ https://www.speakcdn.com/assets/2497/domestic_violence2.pdf



- 1 in 7 women and 1 in 18 men have been stalked. Stalking causes the target to fear she/he/they or someone close to her/him/them will be harmed or killed.
- On a typical day, domestic violence hotlines nationwide receive over 20,000 calls.
- An abuser's access to a firearm increases the risk of intimate partner femicide by 400%.
- Intimate partner violence accounts for 15% of all violent crime.
- Intimate partner violence is most common against women between the ages of 18-24.
- 19% of intimate partner violence involves a weapon.

H.B. No. 7399 (Raised) An Act Concerning Legal Protections For The Victims Of Human Trafficking And The Protection Of Minors From Cyber Exploitation.

The Commissions support the extended privacy protections to children benefitting from the advice, counsel, and assistance of experts trained in counseling victims of human trafficking. For children who have been trafficked, privacy can make a real difference in a trajectory toward healing and justice. Coupled with additional protections for young victims of trafficking, and a clarification that "sexual conduct" can occur using an interactive computer service, this bill will provide necessary protections for our most vulnerated children.