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WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

AB 808: Sexual Assault Victim Amnesty
Written Testimony of State Representative Joan Ballweg
Senate Committee on Judiciary and Public Safety
March 1, 2016

Thank you, Chair Wanggaard, and members of the Committee on Judiciary and Public Safety for holding this public hearing on the Sexual Assault Victim Amnesty bill.

It is estimated that someone in America is sexually assaulted nearly every two minutes. The statistics surrounding this crime are troubling and reveal a significant barrier to solving the problem: sexual assault is widely underreported.

According to the National Institute of Justice, fewer than five percent of rapes of college women are reported to law enforcement officials. The 2015 Report on the Association of American Universities (AAU) Campus Climate Survey on Sexual Assault and Sexual Misconduct states that nearly seventy-five percent of students who were victims of nonconsensual sexual penetration by use of physical force had been consuming alcohol at the time of the assault. This same study reported that other forms of sexual assault were reported about a quarter of the time at most. We need to do something to stop this trend.

Assembly Bill 808 removes a barrier to reporting by prohibiting law enforcement from issuing an underage drinking ticket to a victim of sexual assault. This protection is extended to a bystander who is assisting the victim and applies to any individual under the age of 21 throughout Wisconsin. AB 808 also prohibits the University of Wisconsin System from imposing certain disciplinary actions against victims of sexual assault.

The Sexual Assault Victim Amnesty Bill is supported by both law enforcement and university officials. We worked closely with the Department of Justice during drafting. UW-System President Ray Cross and the Board of Regents have formally issued support for this legislation. AB 808 will codify policy that is currently followed by UW System schools and, according to AG Brad Schimel, law enforcement agencies. You may wonder why it's necessary to put into law what is already in practice. Policy does not carry the weight of law, and we want to send a strong message to survivors of sexual assault: "You are not to blame, let us help you."

We also worked closely with victim advocates when crafting this proposal. I'd like to thank the Wisconsin Coalition Against Sexual Assault (WCASA) and UW-Madison student group PAVE (Promoting Awareness, Victim Empowerment) for their feedback and support.

Thank you for your consideration of this important legislation. It is only through the courage of survivors coming forward to report these crimes that we can hold perpetrators accountable.



**STATE OF WISCONSIN
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To: Members of the Senate Committee on Judiciary & Public Safety

**From: Attorney General Brad Schimel
Wisconsin Department of Justice**

Date: March 1, 2016

Subject: Support for Assembly Bill 808

Thank you Chairman Wanggaard and committee members for the opportunity to present you with written testimony on Assembly Bill 808. The Department of Justice appreciates your thoughtful consideration of this proposal.

I'm glad we've partnered with Representative Ballweg and Senator Petrowski on this commonsense proposal that will help give power back to victims who have experienced a tragic event and lost control to their offender. Thanks to our joint efforts we've built strong support for this proposal including educators, law enforcement, victim advocates, and a bi-partisan group of legislators.

Victims of sex crimes already have a tough decision to make when deciding whether or not to involve law enforcement when they have been assaulted. As a veteran prosecutor, I have seen time and time again how difficult it is for a victim of sexual violence to seek help from the criminal justice system. If they come forward, the path before them usually is very difficult. They may face invasive medical exams, embarrassing questions about their lives, and aggressive challenges to their credibility and character. They often find out that people they thought they could count on are not really friends.

Assembly Bill 808 breaks down one barrier to reporting to law enforcement and seeking medical attention when an underage person falls victim to sexual assault or assists a friend who has been assaulted. This legislation recognizes that perpetrators of sexual assault regularly use alcohol as a weapon to weaken the defenses of their victims.

We all rely on victims of sexual assault to make reports to law enforcement. If they do not, perpetrators continue to assault and there will be more victims.

Therefore we must do what we can to reduce the barriers to reporting. Assembly Bill 808 does just that by letting victims know that they do not need to worry about being cited for underage drinking or facing school discipline when they are trying to decide what to do when confronted with one of

the most difficult circumstances a young person will ever face.

Fear of consequences for drinking should never come in the way of a victim seeking help and being treated by medical professionals after a horrific crime like sexual assault. If a victim hesitates, it can be harder for law enforcement and medical professionals to gather the evidence necessary in the search for the truth.

I encourage you to support Assembly Bill 808 and move it forward to the full Senate. Again, thank you for your consideration and please feel free to contact me with any questions.



WISCONSIN COALITION AGAINST SEXUAL ASSAULT

Testimony

To: Members of the State Senate Committee on Judiciary and Public Safety
From: Wisconsin Coalition Against Sexual Assault
Date: March 1, 2016
Re: Assembly Bill 808, Sexual Assault Victim Amnesty Legislation
Position: Support

Good Morning,

My name is Dominic Holt, public policy and communications coordinator with the Wisconsin Coalition Against Sexual Assault (WCASA). WCASA is a statewide membership agency comprised of organizations and individuals working to end sexual violence in Wisconsin. Among these are the 51 sexual assault service provider agencies throughout the state that offer support, advocacy and information to survivors of sexual assault and their families.

WCASA thanks Chairman Wanggaard for bringing Assembly Bill 808 forward for consideration today. WCASA also thanks Representative Ballweg, Senator Petrowski, Attorney General Schimel, University of Wisconsin – Madison (UW) Chancellor Blank, and the UW Police Department for their leadership on this legislation. WCASA is proud to support this legislation.

With various stipulations, Assembly Bill 808 essentially prohibits law enforcement from citing, and University of Wisconsin System officials from disciplining, an individual for underage drinking if, associated with that drinking, the individual is a victim of, or bystander to, sexual assault, human trafficking, or related crimes.

Nationally, alcohol is the most common drug used in campus sexual assaults.ⁱ According to the 2015 comprehensive study by Westat, 26% of undergraduate women experience sexual assault while in college.ⁱⁱ Yet, 75% of campus sexual assault survivors do not report the crime.ⁱⁱⁱ And 95% of campus sexual assault survivors who were incapacitated at the time of the assault do not report the crime.^{iv}

Survivors face many barriers after an assault, contributing to low reporting rates, especially on college campuses. Typical barriers include scrutiny, blame, fear, intimidation, and shaming. Understandably, underage students who were drinking at the time of the assault are hesitant to report sexual assaults for fear of citation by law enforcement and discipline by their schools.

Assembly Bill 808 removes this barrier to reporting, and recognizes that sexual assault is far and away the more heinous crime. In a society that frequently and wrongly blames survivors for their conduct, this amnesty puts the focus where it belongs: on the criminal conduct of perpetrators.

Our hope is that this bill sends the message that sexual assault survivors should not be blamed for the violence committed against them. In other words, sexual assault is 100% the fault of the perpetrator, regardless of whether alcohol or other substances were involved in the crime.

When survivors do come forward, we must ensure that they have the full support of law enforcement and their community, so that they – and other survivors – feel safe to report. Assembly Bill 808 is an excellent step in that direction.

WCASA urges the Committee to support Assembly Bill 808. Thank you for your consideration. If you have questions, please contact me at dominich@wcasa.org or at the number above.

ⁱ Alcohol and Drug-Facilitated Sexual Assault in Wisconsin. Wisconsin Department of Health Services, Division of Mental Health and Substance Abuse Services. Fact sheet. June 2015.

ⁱⁱ Report on the Association of American Universities Campus Climate Survey on Sexual Assault and Sexual Misconduct. Westat. September 2015.

ⁱⁱⁱ *ibid.*

^{iv} *ibid.*