



February 2024

To: House Judiciary Committee

Re: HB24-1072—Protection of Victims of Sexual Offenses

Dear Judiciary Committee Members:

The American Association of University Women (AAUW) is one of the oldest women's organizations in the country, empowering women since 1881. The mission of AAUW is to advance equity for women and girls through research, education and advocacy.

AAUW has led the fight on women's health and safety issues, and we have made progress over the years. Yet there is still work to do. House Bill 1072 expands the criminal rape shield law and further reduces the perpetrators' ability to "blame the victim." AAUW of Colorado applauds the brave women who have come forward to tell their stories and bring current inequities into the public conversation. We believe House Bill 1072 will bring us closer to providing the justice that victims of sexual offenses deserve.

For these reasons, AAUW of Colorado strongly supports House Bill 1072 and requests your YES vote in committee and throughout the process of becoming law.

Respectfully submitted,

A handwritten signature in blue ink that reads "Su Ryden". The signature is written in a cursive style and is enclosed in a light blue rectangular border.

Su Ryden

AAUW Colorado Public Policy Co-Director

16699 E. Kentucky Ave.

Aurora, CO 80017

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American Association of University Women--AAUW is a top-rated 501(c)3 charitable organization whose mission is to advance gender equity for women and girls through research, education, and advocacy.



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February 26, 2024

The Honorable Mike Weissman
Chair
House Judiciary Committee
Colorado General Assembly
200 E Colfax RM 307
Denver, CO 80203

Dear Representative Weissman,

We are writing to you today regarding HB 24-1072 sponsored by Representatives Bird and Frizell and Senators Kirkmeyer and Fields. This bill removes an exception for evidence of the victim's or witness's prior or subsequent sexual conduct with the defendant. We ask for your support in favor of this legislation.

As you may be aware, RAINN is the nation's largest anti-sexual assault organization. Founded in 1994, RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE and hotline.rainn.org). RAINN also carries out programs to support victims, educate the public, and improve public policy.

Currently, Colorado law allows the use of a victim's dress or hairstyle as evidence of their consent. It also allows the use of a victim's prior sexual conduct with the perpetrator to be used as evidence. Every 68 seconds someone is sexually assaulted in the United States, and only 25 out of every 1,000 rapists will go to prison.¹ Additionally, eight out of 10 sexual assaults are committed by someone known to the survivor.² Unfortunately, nearly 80% of sexual assaults go unreported.³ Among the reasons a survivor chooses not to report is the fear of being shamed for a violation that wasn't their fault, not believed, or being forced to relive intensely traumatic experiences. HB 24-1072 helps address these fears by prohibiting the use of dress and past sexual relationships with the perpetrator as evidence of consent.

The use of prior sexual history or dress is used to unfairly undermine the credibility of the victim. According to Colorado's definitions of consent a prior consent for a relationship does

¹ <https://www.rainn.org/about-sexual-assault>

² https://rainn.org/statistics/perpetrators-sexual-violence?_ga=2.228863388.1881425543.1708957200-721974876.1706214411

³ <https://www.brennancenter.org/our-work/analysis-opinion/sexual-assault-remains-dramatically-underreported>



Leading the National Effort to End Sexual Violence

not equal ongoing consent for sexual activity.⁴ Someone's choice in clothes or hairstyle should not be understood to express their agreement to sexual activity either. This bill prevents the courts from using a sexual past with the perpetrator or the defendant's manner of dress as evidence of consent, unless provided with a court order.

The credibility of sexual assault reports is determined by a variety of factors, complicating efforts to measure "false reports." Studies show that when survivors chose to report sexual assault, 92%-98% of reports are credible. HB 24-1072 ensures that judges consider past history of reporting carefully by defining false reports in the law. This is necessary to ensure survivors are not undermined by other uncharged cases.

By passing HB 24-1072, Colorado tells survivors they are protected when seeking to pursue justice. We urge you to support this bill and pass it out of committee. Thank you for your continued leadership and for supporting victims of sexual violence in Colorado.

Sincerely,

A handwritten signature in black ink that reads "Scott Berkowitz". The signature is written in a cursive, flowing style.

Scott Berkowitz
President

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