

# **Kentucky's Anti-Rape Movement:** **A Brief History**



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502-226-2704

## **Kentucky, circa 1970**

If someone was raped, where did they go? What did they do? There were no crisis lines to call. There was no one to tell them what their options were. At the hospital, there was no one specially trained on how to take care of the victim and handle evidence of the crime.

If the victim decided to report the crime to law enforcement, who helped them understand the legal system? Law enforcement or the courts may not have believed the victim without evidence that the victim “resisted” enough. If the person who raped the victim was a spouse, the legal system would declare that the act was legal.

When the victim struggled to move on with her or his life after the rape, who did they talk to? Who could counsel them after the traumatic event? Family and friends may have been as upset and unsure as the victim and looking for help themselves. Who could help them?

It was out of this need that the Kentucky Rape Crisis movement was born . . .

## **Rape Crisis Hotlines**

In the early 1970s, a small group of women across Kentucky and the United States began operating rape crisis hotlines from their home phones. These women were the pioneers of Kentucky's anti-rape movement. They volunteered their time and their homes, often times paying out of pocket to keep the crisis lines running, because they saw a need for crisis counseling for victims of sexual assault in their communities. These women provided support for victims. As resources became available, they also provided information on community services and victim rights in Kentucky.

## **Rape Crisis Centers**

Rape Crisis Centers began opening their doors across Kentucky in the 1970s and early 1980s. These were grassroots organizations providing services to their local communities. In 1986, the Kentucky General Assembly became one of the first legislatures in the nation to include a line-item appropriation in the state budget for program development of Kentucky Rape Crisis Centers. In that same year, rape crisis programs began in Ashland, Paducah, Hazard, Corbin, Prestonsburg, and Hopkinsville, joining other rape crisis centers in Lexington, Northern Kentucky, Louisville, Owensboro, Bowling Green, and Elizabethtown that pre-existed the availability of state funds. The

Kentucky legislature has sustained its commitment to the state's Rape Crisis Centers, allowing for the growth of services these centers provide to their community.

Kentucky Rape Crisis Centers provide free and confidential assistance for survivors of sexual violence. Services are open to anyone regardless of age, gender, national origin, religion, disability or sexual orientation. Rape Crisis Centers provide crisis lines 24 hours per day, counseling for survivors and their loved ones, accompaniment in medical and law enforcement settings, therapy and support groups, and referrals to other community resources. Rape Crisis Centers also provide rape prevention and community education services addressing a wide range of topics, such as healthy relationships, sexual harassment, on-line safety, and much, much more.

### **The Kentucky Association of Sexual Assault Programs**

The Kentucky Association of Sexual Assault Programs is the coalition of Kentucky's 13 regional Rape Crisis Centers. KASAP was formed in 1990 and dedicated to the mission of "speaking with a unified voice against sexual victimization." Initially, the business of the Association was carried out exclusively by the members of its Board of Directors, each of whom represents one of Kentucky's 13 regional Rape Crisis Programs. In 1996, KASAP hired its first Executive Director, Marigail Sexton. In 2005, KASAP assumed administrative responsibility for managing state funds provided to regional Rape Crisis Centers. Today, KASAP has 7 full-time employees and several contractors.

### **Advocating for Law and Policy Changes**

Since the beginning of the rape crisis movement, advocates have worked diligently to reform laws related to sex crimes, victims' rights, services for survivors, and much more. In the late 1970s, the Kentucky Coalition Against Rape and Sexual Assault was formed by individuals from throughout the Commonwealth. As the first statewide committee to advocate for the reform of Kentucky's laws regarding rape and sexual assault, the Kentucky Coalition Against Rape and Sexual Assault was active for more than two decades, successfully lobbying for the passage of Kentucky's first Rape Shield Law; public payment of forensic-medical examination fees; and legislation to address the issue of marital rape and a wide variety of other issues. In 1985, the first state-level, state-funded Sexual Assault and Domestic Violence Programs was created within the Kentucky Department for Mental Health and Mental Retardation.

Based on this foundation, a wide variety of state level initiatives have addressed sexual assault. These include the Kentucky Multidisciplinary Commission on Child Sexual Abuse created in 1994; the Governor's Office on Child Abuse and Domestic Violence created in 1996; Governor's Task Force on Sexual Assault convened in 1999; the Council on Domestic Violence and Sexual Assault created in 2000; and the Sexual Assault Response Team Advisory Committee created in 2002. Through these initiatives, advocates, government agencies, and legislators have worked together to reform Kentucky's criminal and civil laws related to sex crimes and victims rights.

## **Sexual Assault Medical-Forensic Exams**

Rape is a crime against a person's body and soul. Therefore, medical treatment is the first concern of many rape survivors. In 1974, the Kentucky General Assembly adopted the first of many laws designed to ensure that sex crime victims throughout Kentucky receive appropriate medical treatment. This early legislation made it mandatory for emergency rooms across the Commonwealth to provide sexual assault exams upon request.

While ensuring the availability of exams was a critical step, it was only a first step. The next step was to develop a statewide protocol to ensure that survivors could receive the same level of care regardless of geographic location. In 1988, the Victims Advocacy Division of the Kentucky Attorney General's Office began work on the first statewide protocol. In 1996, Kentucky adopted legislation that required that all sexual assault forensic examinations be performed in compliance with a statewide medical protocol.

That same year, Kentucky created a process for credentialing specially-trained nurses to treat victims of sexual assault and collect evidence. Kentucky was one of the first states in the nation to create a statewide credentialing program for nurses performing these exams. Sexual Assault Nurse Examiners, or SANEs, are trained in forensic nursing, which allows nurses to medically care for a sexual assault survivor while collecting evidence that may be used in legal proceedings.

Sexual Assault Medical-Forensic Exams are now conducted pursuant to the Statewide Protocol codified in Kentucky Administrative Regulations, 502 KAR 12:010. These exams include both medical treatment and evidence collection procedures, and may be conducted by either a SANE or a physician. Medical assessment, stabilization, and treatment of injuries are top priorities. Evidence is collected and processed using kits provided by the Kentucky State Police. Physical evidence collected may include clothes, hair, and photos of injuries, such as bruises and scratches. Survivors also receive information, screening and prophylactic treatment for sexually transmitted infections (STIs), including HIV, pregnancy and other medical concerns. Patients are given emotional support and the opportunity to decide for her or himself how much treatment to receive and what evidence may be collected.

## **Marital Rape**

Historically, Kentucky law defined rape as a crime committed against someone other than a spouse. In 1990, the Kentucky General Assembly passed legislation making it a felony offense to rape one's spouse by eliminating the so called "marriage exemption." However, the law still required that spousal rape be reported within a year in order for prosecution to proceed. Fortunately, this reporting limitation was removed in 2000. Now, marital rape is prosecuted under the same statutes as offenses committed against others.

Often times, marital rape is a part of domestic abuse. Kentucky has a network of Domestic Violence Programs that provide additional services to victims of intimate partner violence, including marital rape. Some agencies are considered “dual programs,” meaning that they house both a Rape Crisis Center and a Domestic Violence Program. Dual Rape Crisis and Domestic Violence programs are located in Northern Kentucky (the Women’s Crisis Center), Hopkinsville (Sanctuary), and Louisville (The Center for Women and Families).

## **Services for Children**

Due to children being subjected to sexual violence at alarming rates, Rape Crisis Centers routinely work with children and their families, providing counseling, advocacy, and support. Rape Crisis Centers also collaborate with other service providers, such as Children Advocacy Centers.

Children’s Advocacy Centers were created to provide child-friendly locations for conducting child sexual abuse examinations and investigations. In 1994, the Kentucky General Assembly appropriated funding to provide child sexual abuse clinicians throughout the state at Children’s Advocacy Centers. These clinicians work specifically with victims of child sexual abuse. They not only treat victims of childhood sexual abuse, but they also provide training to the community and advocate for the rights of children who have been sexually abused. The Kentucky General Assembly now provides funds to support one Regional Children’s Advocacy Center per Area Development District. The Advocacy and Support Center in Elizabethtown houses both a Children’s Advocacy Center and a Rape Crisis Center.

## **Criminal Law**

In 1974, the Kentucky General Assembly established the current Penal Code, defining many categories of criminal offenses, including sexual offenses. Separate offenses were created and defined to address a wide variety of criminal conduct, including rape (where there is penetration of the sex organs), sodomy (where there is contact with the mouth or anus), and sexual abuse (where there is sexual contact without penetration). The Penal Code also established that the age of consent for sex in Kentucky is 16 years, and that certain persons are incapable of consent, such as those who are physically helpless or mentally incapacitated.

The Kentucky legislature has continued to further define and strengthen laws regarding sexual violence, and has added numerous protections for victims. In 1978, the General Assembly passed the Rape Shield Law, which prevents the use of testimony about a victim’s sexual history as evidence during a trial. In 1984, the General Assembly passed Kentucky’s first law authorizing closed-circuit testimony in cases of child sexual abuse to protect the child from further traumatization during a trial. In 1986, the General Assembly adopted the Crime Victim Bill of Rights, which gave victims rights to notification and consultation throughout criminal proceedings. In 1988, the “earnest resistance” requirement was removed, meaning that prosecutors no longer had to prove

that the victim put forth “utmost resistance” in order to successfully prosecute a sex offender. In 1996, the General Assembly clarified this point by expanding the definition of “forcible compulsion” to include that “physical resistance on the part of the victim shall not be necessary to meet this definition.” Since the year 2000, the Kentucky Legislature has addressed the evolving nature of sexual offenses by enacting laws addressing video voyeurism, drug-facilitated sexual assault, and the online solicitation of minors for sex.

### **Sex Offender Registration**

Because sex offenders often commit crimes against multiple victims, the General Assembly established the Sex Offender Registry (SOR) in 1994. Initially, data from the Sex Offender Registry was only available to law enforcement officials. Registration was required for 10 years after release and only for felony offenders. In 2000, the Sex Offender Registry was significantly expanded, including a requirement that Kentucky State Police develop and maintain a public access website listing registered offender information (<http://kspsor.state.ky.us>). In addition, several new crimes were added to the list of offenses which require registration, including some misdemeanor offenses. For the first time, offenders who did not comply with the registration requirement were guilty of a felony and officials were required to conduct periodic address verifications. In 2006, the General Assembly again took action to expand the SOR. House Bill 3 expanded the list of offenses for which registration is required and clarified responsibilities for enforcement. The length for registration was extended to either 20 years or lifetime, depending on the offense. It also clarified registration requirements for out-of-state offenders who move to Kentucky, and established that these offenders are lifetime registrants.