



# **KASAP's Public Policy Priorities**

*KASAP's mission is to speak with a unified voice against sexual victimization.*

Because sexual violence impacts individuals and communities on every level, public policy advocacy is a critical part of KASAP's work. Our Public Policy Priorities reflect the wide range of issues that are important to survivors and rape crisis centers. We welcome your input and support on related initiatives. For more information, contact 502-226-2704 or Laela Kashan [lkashan@kasap.org](mailto:lkashan@kasap.org) or Eileen Recktenwald [erecktenwald@kasap.org](mailto:erecktenwald@kasap.org).

## **1. Protect Victims' Rights and Services**

- A. Fully Fund Rape Crisis Services in Kentucky
- B. Support Violence Against Women Act (VAWA) & Victims of Crime Act (VOCA)
- C. Create Employment Law Protections for Victims of Sexual Violence
- D. Enhance Crime Victims' Bill of Rights – Amend KY Constitution & Provide Remedies for Violations

## **2. Improve Legal System Responses to Victims of Sexual Crimes**

- A. Improve Child Sexual Abuse & Exploitation Investigations & Prosecutions
- B. Collect Felony Arrestee DNA to increase safety of victims and accountability of perpetrators
- C. Enable Victims of Sexual Assault to Have Access to Civil Justice

## **3. Protect Teens – Our Most At-Risk Population**

- A. Allow Minors Access to Core Rape Crisis Services
- B. Allow Expert Testimony regarding Child Sexual Abuse
- C. Protect 16 and 17 year old Youth from Exploitation by Older Individuals

## **4. Improve Responses to Vulnerable Populations**

- A. Support Efforts to Address the Abuse of Individuals with Disabilities
- B. Enhance Resources and Protections for Addressing Prison Rape

## **5. Ensure Equal & Appropriate Penalties for Sex Offenses**

- A. Equalize Penalties for Penetration (by any object or body part)
- B. Recognize the Lethality of Strangulation
- C. Combat Sexual Image Exploitation
- D. Clarify Consent by Individuals with "Intellectual Disability" and/or "Mental Illness"

## **KASAP Public Policy Priorities - Discussion of Issues**

### **1. Protect Victims' Rights and Services**

#### **A. Fully Fund Rape Crisis Services in Kentucky**

Funding of Kentucky's rape crisis centers is of paramount importance to combat sexual violence. The programs conduct community prevention and awareness activities, offer therapy and advocacy services for survivors of sexual violence, and provide a confidential 24/7 crisis line for those seeking resources and support. When we know that almost 1 in 2 women in Kentucky are sexually victimized at some point in their lives, we cannot stand idly by without funding prevention and responsive services to victims of sexual violence.

#### **B. Support Violence Against Women Act (VAWA) & Victims of Crime Act (VOCA)**

VAWA and VOCA are critical laws that ensure basic victims' rights are protected and victims' services are available throughout the US. These laws give law enforcement, prosecutors, and judges tools needed to hold offenders accountable and keep communities safe while supporting victims. They must be reauthorized to ensure continuation of lifesaving programs and laws.

#### **C. Create Housing & Employment Law Protections for Victims of Sexual Violence**

Sexual violence affects every part of individuals' lives, including employment.

Some survivors are no longer safe in their work environments or have difficulty fulfilling work responsibilities. Additionally, survivors may need to miss work in order to attend court. Some states have laws providing employment law rights for survivors. Sexual assault survivors should also be protected. KASAP supports efforts to expand employment rights for survivors.

#### **E. Enhance Crime Victims' Bill of Rights – Provide Remedies for Violations**

Legal scholars often say that there "can be no right without a remedy." Unfortunately, this principal has never been applied to the rights of victims in Ky. Instead, the Kentucky's Victims' Bill of Rights purports to establish numerous rights, then immediately bars victims from pursuing potential remedies. KRS 421.540 -.550 should be amended to eliminate provisions that prevent victims from enforcing their rights OR enact provisions that create an enforcement mechanism.

### **2. Improve Legal System Responses to Victims of Sexual Crimes**

#### **A. Improve Child Sexual Abuse & Exploitation Investigations & Prosecutions**

Though our understanding of child sexual abuse and exploitation has evolved dramatically in recent years, there is a dramatic need to improve tools and resources for investigations and prosecutions. KASAP supports a wide range of strategies to improve responses to these horrific crimes, including expanding tools available for law enforcement response to on-line child exploitation. KASAP also supports efforts to improve responses by the Cabinet for Health and Family Services, prosecutors, and others who frequently respond to children and families.

**B. Collect Felony Arrestee DNA to Increase Safety of Victims and Accountability of Perpetrators**

States have found that collecting DNA from individuals arrested for felony crimes results in an increase of identification and conviction of serial rapists. “By passing arrestee DNA legislation, law enforcement officials can catch criminals sooner, prevent crimes, save more lives and use DNA to its full potential. Collected at the same time as fingerprints, DNA testing only requires a simple cheek swab upon arrest.” ([www.dnasaves.org](http://www.dnasaves.org))

**3. Protect Teens – Our Most At-Risk Population****A. Allow Minors Access to Core Rape Crisis Services**

Teens are raped more frequently than any other age group. Unfortunately, many suffer alone because they are afraid of how their parents and others will respond. Standards are changing throughout the U.S. to ensure that teens can get help when they need it. In Kentucky, it is unclear which rape crisis center services can be provided without parental consent. Kentucky law should be amended to specifically allow minors to consent for certain services, especially crisis intervention and other initial services, without the barrier of first obtaining parental consent. This clarification will allow minors to work with rape crisis center personnel to make a plan of action for talking with parents and others who can help.

**B. Allow Expert Testimony regarding Child Sexual Abuse**

Since 1992, Kentucky courts have rejected expert testimony regarding the impact of sexual abuse on children. Fortunately, scientific knowledge of the topic has dramatically expanded in the last twenty years. Moreover, most states now allow admission of relevant evidence that might have previously been prohibited. Now is the time for Kentucky to revisit this issue.

**C. Protect 16 and 17 year old Youth from Exploitation by Older Individuals**

Kentucky’s 16 and 17 year old youth are not protected from older adults who prey on them for sex. As it stands, KY law states that 16 is the age of consent for sexual activity with adults of ANY age. In many cases, older adults exploit this law by arguing that a 16 or 17 year old youth consented to sexual activity when in fact, the older adult took advantage of the youth. It is scientifically proven that youth are less developed in decision-making capacities. Many states offer protections for the youth in this age range and penalize adults for sexual contact with them. KASAP supports creation of age boundaries to protect our youth.

**4. Improve Responses to Vulnerable Populations****A. Support Efforts to Address the Abuse of Individuals with Disabilities**

Individuals with disabilities face increased risks of sexual violence and decreased opportunities for effective response. Fortunately, the need for improved response is increasingly recognized throughout the Kentucky and the U.S. Improvements needed include specialized training, greater coordination of investigative and protective services, and an adult abuse registry.

**B. Enhance Resources and Protections for Addressing Prison Rape**

Prison rape is no joke. Sexual violence in custodial settings is a long-standing problem that has far too often been overlooked or even condoned in our society. Fortunately, the federal Prison Rape Elimination Act has provided a catalyst for improved responses throughout the United States. KASAP supports efforts to address rape in prisons and other custodial settings.

**5. Ensure Equal & Appropriate Penalties for Sex Offenses****A. Equalize Penalties for Penetration (by any object or body part)**

Penalties should be equal whenever a perpetrator penetrates the victim's body, regardless of whether penetration is by a sex organ, other body part (such as a fist or a finger), or a foreign object. Under current statutes, penalties are disproportionately low for sex crimes where there is penetration by a fist, finger(s), or body part other than a sex organ. At least 43 other states already provide equal penalties for penetration. Kentucky should also equalize penalties.

**B. Recognize the Lethality of Strangulation**

When a perpetrator strangles a victim to the point of loss of consciousness, it can rapidly cause death, brain damage, and other injuries in a very short time period. Unfortunately, Kentucky law does not address the seriousness of this potentially lethal behavior. Therefore, our law should be amended to allow appropriate punishment for this highly dangerous criminal behavior.

**C. Combat Sexual Image Exploitation**

Kentucky must combat the distribution of sexually graphic images of individuals without their consent. This includes images obtained without consent (i.e. filming a sexual assault) and images initially taken consensually (a.k.a. "revenge porn"). Distribution causes extreme harm and distress to victims, who are routinely threatened with sexual assault, stalked, harassed, fired from jobs, and forced to change schools. In today's internet age, the effects of image exploitation may be lifelong.

**D. Clarify Consent by Individuals with "Intellectual Disability" and/or "Mental Illness"**

Under Kentucky law, all individuals with intellectual disability and/or mental illness are deemed incapable of consent to sex. While individuals with severe mental illness and profound intellectual disabilities are at extremely high risk of being abused, current laws are so overly broad that only arbitrary enforcement is possible. Furthermore, these laws limit the rights of many competent individuals to engage in voluntary sexual activity. Kentucky laws should be updated to provide protection for individuals who are most vulnerable without restricting the rights of all persons with disabilities.