

Testimony

of

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RAINN

before

the

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Courts of Justice Committee, Subcommittee #1

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Dear Chairman Adams and Honorable subcommittee members, thank you for the opportunity to submit written testimony in support of House Bill 434. My name is Erin Earp, I'm the Senior Legislative Policy Counsel for RAINN, the Rape, Abuse & Incest National Network. RAINN created and operates the National Sexual Assault Hotline. Through our hotlines, we serve over 26,000 survivors every month.

Prior to joining RAINN, I was an Assistant Commonwealth's Attorney in Alexandria, Virginia, for eight years. I spent three years as a member of the Special Victims' Unit as the primary prosecutor for sexual assaults committed against adult victims. I also had the opportunity to prosecute cases involving child sexual abuse and exploitation. From my experience as a prosecutor, I know that the words victims and witnesses choose while testifying are often the most important factor when it comes to proving a case beyond a reasonable doubt. However, prosecutors cannot put words in the mouths of witnesses. Therefore, it's incumbent upon criminal statutes to adequately encompass the terminology that may be used when someone is describing what happened to them.

HB 434 would amend the definition of "intimate parts" to include the word "chest." Certainly, if a child victim describes being touched on their chest, or material directing covering their chest, and the perpetrator acted with the requisite sexual

intent, the perpetrator should be convicted of a sexual battery. However, this is not necessarily the case under the current statute. Adding the word “chest” is a commonsense addition that would ensure a victim’s use of this word in describing their sexual assault does not result in a “not guilty” verdict or an overturned conviction.

HB 434 will ensure that perpetrators of sexual assaults in the Commonwealth are held accountable. I urge you to support it.