



Testimony of Taylor Morton (written only)
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Planned Parenthood Great Plains Votes
Supporting HB 2370
House Committee on Corrections and Juvenile Justice
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Planned Parenthood Great Plains Votes (“PPGPV”) is the political and advocacy arm of Planned Parenthood Great Plains. Planned Parenthood Great Plains offers expert, compassionate sexual and reproductive health care to patients with three health center locations in Kansas. PPGPV submits this testimony in support of House Bill 2370. HB 2370 would define consent in the Kansas criminal code for sexual offenses. This bill would define consent to mean “words or overt actions by an individual indicating freely given agreement to engage in specific sexual activity.” HB 2370 notes that consent can be revoked at any time, and states that consent to one sexual activity does not constitute consent to sexual activity after the withdrawal of consent. Additionally, the bill states that consent does not include lack of verbal or physical resistance, and that submission or one’s manner of dress do not constitute consent.

Sexual violence is a broad term used to describe sexual assault, rape, and sexual abuse. Sexual assault describes any sexual contact without the explicit consent of the victim and, generally speaking, sexual violence and assault describes acts that are criminal.¹ Defining consent in the context of Kansas criminal law is crucial because without consent, any sexual activity is sexual assault or rape. All partners must agree to sexual activity—every single time—for said activity to be consensual.² Sexual violence is widespread. Nearly one in five women and one in 38 men have experienced completed or attempted rape.³ Sexual violence perpetrated against members of the LGBTQIA+ community is even more prevalent.⁴ Sexual assault can happen to anyone, regardless of gender, race, age, sexual orientation, disability, or educational status.⁵ However, women, members of the LGBTQIA+ community, people with disabilities, and people of color are more likely to experience sexual violence.⁶ Sexual assault and violence are major issues for sexual health and general wellbeing and clarifying the meaning of consent in criminal code would help to address this systemic problem.

Sexual harassment is another form of sexual violence, and this term refers to unwanted and inappropriate sexual advances, including suggestive gestures, language, and/or touching. Sexual harassment is often a means of humiliating, insulting, and degrading someone, and it can happen anywhere—publicly and privately, among friends or from strangers.⁷ Promoting a greater shared understanding of consent can help prevent and reduce sexual assault and harassment.⁸ Understanding the meaning of consent—both at an interpersonal and societal level—is an important component of addressing the epidemic of sexual violence.

¹ <https://www.rainn.org/news/what-consent>

² <https://www.plannedparenthood.org/learn/relationships/sexual-consent>

³ <https://www.plannedparenthoodaction.org/issues/sexual-assault>

⁴ *Id*

⁵ <https://www.plannedparenthoodaction.org/issues/sexual-assault>

⁶ <https://www.plannedparenthood.org/about-us/newsroom/campaigns/sexual-assault-and-harassment>

⁷ <https://www.plannedparenthood.org/about-us/newsroom/campaigns/sexual-assault-and-harassment>

⁸ *Id*

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Most sexual assaults are not reported to law enforcement, with two thirds of incidents going unreported.⁹ Shame, blame, manipulation, and fear of not being believed are just some of the barriers that survivors face in reporting sexual violence to the police. These barriers are compounded with institutional and historical factors, and a lack of culturally competent and trauma-informed resources. Approximately 80% of sexual assault victims are fearful of contacting law enforcement the crime committed against them.¹⁰ Out of every 1,000 sexual assaults, only 310 are reported to law enforcement.¹¹ Consent plays an immensely important role in determining whether an act of sexual violence is legally considered a crime.¹²

Consent is not specifically defined under current Kansas law. Defining consent in Kansas criminal statute will help law enforcement to charge perpetrators of sexual assault and rape, and it would help empower survivors to come forward when they have been the victim of sexual violence. PPGPV respectfully asks the Committee to vote in favor of HB 2370.

⁹ <https://www.rainn.org/statistics/criminal-justice-system>

¹⁰ <https://www.ywcaneks.org/blog-collection/blog/2020/12/04/why-survivors-dont-call-the-police>

¹¹ <https://www.rainn.org/statistics/criminal-justice-system>

¹² <https://www.rainn.org/articles/legal-role-consent>