



FREEDOM FROM SEXUAL VIOLENCE

2017 Legislative Session Report

This year, CCASA set out with the intention to legislate new pathways to safety for survivors of sexual violence by presenting the General Assembly with a number of innovative statewide policies aimed at engaging the systems survivors often find themselves in after victimization. From the stories of your experiences working side-by-side survivors and the barriers to providing services you've faced along the way, we knew we had to create a comprehensive policy agenda that would take a closer look at improving access to housing protections for survivors of sexual assault and stalking AND continue the work we began during the 2016 legislative session of strengthening protections for young people victimized by privacy violations in a digital age. These narratives set the tone for CCASA's 2017 legislative advocacy work wherein HB17-1035 Extending Housing Protections to Survivors of Domestic Violence, Sexual Assault, and Stalking and HB17-1302 Juvenile Sexting Crime were born.

HB17-1035 Extending Housing Protections to Survivors of Domestic Violence, Sexual Assault, and Stalking

As a brief recap, HB17-1035 created protections for victims of sexual assault and stalking in the same way current statute permits a domestic violence victim to vacate a lease when it is no longer safe for them to live at the current address due to their victimization or fear of future victimization. The bill also expanded avenues for "victim verification" by broadening access to systems other than and in addition to the criminal legal system. The bill created mechanisms to act as verification agents on behalf of victims and enabled survivors to seek housing protection services from application assistants and medical professionals (in addition to existing provisions which allow "victim verification" through the use of a law enforcement report or civil protection order).

HB17-1302 Juvenile Sexting Crime

Concerning HB17-1302 Juvenile Sexting Crime, it was our strong belief that **child pornography laws were designed to address adults exploiting vulnerable young children and were never intended to reach imprudent and irresponsible behavior by and among juveniles; yet, young people who have engaged in sexting behavior have been prosecuted under these laws and subject to overly harsh penalties, including mandatory registration as a sex offender.** CCASA and a broad group of stakeholders came together to address this policy problem and successfully passed a juvenile sexting bill that is the first in the country to create a felony and misdemeanor carve-out for youth victims of privacy violations and consensual sexters. Only one group opposed the bill and ran a counter bill themselves (that we successfully defeated) that would have allowed for prosecutorial discretion in charging youth victims of privacy violations and/or consensual sexters with felony exploitation of a child.

In testimony and in lobbying the bill we heard opposition to our bill in statements like these, "we need discretion to teach kids a lesson. If she hadn't of taken that picture of herself and sent it to him in the first place, then he would never have been in possession of a sexually explicit image to

further disseminate to his friends." To us, this type of logic sounded like victim-blaming in a digital age and for that reason we worked with over 30 stakeholder groups, including some "untraditional" partners, to really explore how we as policy-makers would address this new policy problem. Among our group, it was our shared belief that kids who have grown up on screens, who were also having a parallel process of normal adolescent sexual development, may as a result explore their sexuality on screens, and when those two behaviors intersect - technology and adolescent sexual development - how are "we" as a community going to address it? Are we going to stand on a moral high ground and create criminal sanctions in the unrealistic hope of deterring and eliminating behaviors we don't like or are we going to engage a variety of systems to provide kids with education, support services, and/or restorative justice options?

HB17-1302 was the product of a multi-year extensive and engaged stakeholder process incorporating the expertise and garnering the support of more than 30 statewide organizations. It was the result of conversations with Canon City school officials and law enforcement officers to integrate the lessons learned in high-profile sexting incidents. It was the reflection of survivor stories, peer-leaders in our schools, and input from parent organizations like the Colorado Parent Coalition and Colorado PTA. HB17-1302 brought together unusual allies in victims' rights organizations and the defense to find compromise in preventing juveniles engaged in sexting behavior from being prosecuted as sex offenders while most importantly, allowing victims to access services and support instead of charging them for contributing to their own crime. This particular example fortified my belief that it is our job as advocates to hold space for all survivors and find common ground with other stakeholders, regardless of who they may be or represent, to address sexual violence as a community problem needing a community solution championed by the community - and that's just what we did to pass HB17-1302.

Both bills have been signed by Governor Hickenlooper and we couldn't be happier.

Raana Simmons, CCASA Director of Policy

