

GNESA Legislative Agenda with Talking Points:

GNESA will be monitoring the following bills this session in regards to the impact they will have on victims of sexual assault.

HB 526: Parental Notification for Birth Control

GNESA opposes this bill on the grounds that many adolescent victims of incest regularly access birth control as means to protect themselves from getting pregnant by a family member to which they are powerless to fend off. By requiring parental notification for birth control, victims of incest who enter into adolescent and child bearing age will be powerless again to protect themselves from further trauma as a result of pregnancy. Pregnancies resulting from incest often involve greater health risk to both mother and child with a long term healthcare costs.

HR 536: Paramount Right to Life

This Resolution would amount to a total ban on all abortions as well as certain types of birth control that block implantation of a fertilized egg. Due to the broad sweeping scope of this resolution, and the fact that there is no place in the language that allows for exception in cases for rape and incest, GNESA has taken the position of not supporting such a resolution. Should a victim become pregnant as a result of the crime of rape, this resolution would require her to carry the pregnancy to term, thus causing further trauma. Similarly, many victims of incest or ongoing rape, as a result of trafficking or other sexual abuse, rely on birth control as a means of protecting against pregnancy. This resolution would leave these victims vulnerable to further trauma through risk of becoming pregnant.

HB 908: Sex Offender Bill

GNESA opposes this bill. GNESA is committed to our community's safety and victims' rights. However, based on what nationally recognized research, as well as statistics from national and statewide organizations, it is our position that residency restrictions for sex offenders do not make us safer.

Legislation Concerning VAWA Certification:

Currently, Georgia stands to loose \$3.3 Million in funding from the Violence against Women Act unless we can certify by January 5, 2009 that our State is in compliance on the following VAWA statutes:

1. The refusal of a victim to submit to a polygraph examination shall not prevent the investigation, charging, or prosecution of the offense.
2. A victim shall have the right to a forensic medical examination (rape kit) regardless of whether the victim participates in the criminal justice system or cooperates with law enforcement. A victim shall not be required to pay, directly or indirectly, the cost of a forensic medical examination.

Women in Georgia report they have been required to file police reports or have been subjected to a lie detector test as a condition of receiving a forensic exam or having their cases investigated. As a result of this practice, Georgia is at risk of losing all VAWA funding, which currently supports victim services, law enforcement, prosecution, and shelters. GNESEA is taking the following action to address these issues for the State of Georgia:

- A. **Collaborating with CJCC to ensure that there is legislation to certify that:** “The State, Indian tribal government, or territorial government does not require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both. By January 5, 2009.”
- B. **Collaborating with CJCC to ensure that there is legislation to certify that:** “Not later than 3 years after January 5, 2006, the state’s laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; the refusal of a victim to submit to such an examination shall not prevent the investigation, charging, or prosecution of the offense.”

It is important that legislators understand that this is the last session, prior to January 5, 2009—the date in which we have to certify, that this legislation can be passed.

The impact of not addressing these issues this session will be:

- A loss of \$3.3 Million dollars,
- subsequent dismantling of a majority, if not all, of the rape crisis centers,
- shelters closing
- prosecution and law enforcement dollars will be lost and