

To: House Committee on Federal & State Affairs
From: Michelle McCormick, Executive Director KCSDV
Re: Neutral Testimony for HB 2813 – Written-Only
Date: March 12, 2024

Chairperson Carpenter and Members of the Committee:

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a nonprofit organization located in Topeka with 25 member organizations providing direct services to victims of sexual and domestic violence statewide. These are the programs that provide critical services to survivors 24 hours a day, 7 days a week and include emergency shelter, hotline support, counseling, and other supportive services.

KCSDV is neutral on 2024 HB 2813, a bill that would create the crime of coercion to obtain an abortion, defined as engaging in coercion with knowledge that a woman is pregnant and with the intent to compel such woman to obtain an abortion when such woman has expressed her desire not to obtain an abortion.

While KCSDV acknowledges that one tactic used by abusers to perpetrate reproductive coercion is to coerce a victim to obtain an abortion when they otherwise would not, we do not believe this bill adequately addresses other forms of reproductive coercion reported by victims. Instead of seeing a new crime created like HB 2813, KCSDV would request the Legislature instead address all forms of reproductive coercion, which could then address the issue contemplated by this bill.

Reproductive Coercion and Domestic Violence¹

Reproductive coercion is a pattern or series of behaviors an abusive partner may use to maintain control and power over the victim's reproductive health by interfering with decisions over the victim's body and health care.

Examples of reproductive coercion include:

- Pressuring partner to engage in sexual activity when they do not want to,
- Prohibiting the use of or destroying contraception,
- Removing condoms during sex without their partner's knowledge – also known as “stealthling,”
- Intentionally exposing their partner to sexually transmitted infections including HIV,
- Forcing pregnancy,
- Forcing their partner to have an abortion or controlling abortion access, and

¹ https://nnedv.org/wp-content/uploads/2022/02/Repro-Coercion_FinalENG.pdf

- Limiting access to health care and medical appointments involving reproductive health.

Definitions in Kansas Statutes

Another concern that KCSDV would like to raise is relating to the new definitions or changes in definitions created in this bill, but that do not seem to apply to other parts of Kansas law. Many victims and survivors would describe what we call “coercive control”. KCSDV defines coercive control as characterized by severe domination, isolation, and a deprivation of basic rights and liberty. This kind of coercion is not limited to instances that involve abortion. This kind of abuse can, but may not, involve physical violence and so is often not recognized by formal systems for what it really means for survivors. The effects of coercive control are devastating. This law does not seem to address the broader problem of coercive control, as it exists in abusive relationship. For example, the bill does not seem to create relief in Kansas family law for those who experience coercive control, a part of a situation where a coerced abortion is determined. It is also unclear if this change in definition would address or establish coercive control as a criminal act for other forms of illegal violence (such as domestic battery) in the existing criminal statutes.

Regarding the definition of financial harm, we would like to remind the Legislature that research shows nearly 99% of victims of domestic violence experience financial abuse². This is often the most difficult barrier to overcome in order to obtain safety. However, while “financial harm” is contemplated in limited ways in Kansas law, we would like to see consideration by the Legislature to address this in a much more impactful way than limiting the financial harm defined in this bill to the instance of a coerced abortion. For example, the State of Texas has addressed common financially abusive tactics by strengthening their laws and providing reliefs to victims of “coerced debt”, which includes non-consensual financial transactions that occur when a victim is pressured into taking on debts by their abuser.

Again, KCSDV would like the Legislature to consider addressing all forms of financial harm common to abusive situation, rather than singling out the existence of coercion and financial harm only in situations where a person reports this is occurring as it relates to abortion.

Statistics and Making Impact

Finally, KCSDV is concerned that the data from KDHE regarding the co-occurrence of abuse and abortions³ does not support the need for this specific law, and so may be seen as a poor investment of resources given the increased costs identified in the fiscal note. Additionally, KCSDV is also concerned that additional fiscal impacts for litigations costs to the State of Kansas were not included as it relates to any legal issues that could arise if this bill were determined to conflict with the Kansas constitutional right to obtain an abortion.

² <https://centerforfinancialsecurity.files.wordpress.com/2015/04/adams2011.pdf>

³ <https://www.kdhe.ks.gov/DocumentCenter/View/29328/KS-Abortions-2022-PDF>

We would support the investment by the Legislature for a broader effort to address reproductive coercion and coercive control; and would be happy to provide additional information to the Legislature if that would be of assistance.

KDHE 2022 Preliminary Report on Abortions in Kansas

<u>Report of Physical, Mental, or Emotional Abuse or Neglect Filed</u>		
No	12,242	99.4
Yes	76	0.6
n.s.*	0	0.0
Total Reported	12,318	100

For the reasons stated above, KCSDV is neutral on 2024 HB 2813 to create the crime of coercion to obtain an abortion.

Sincerely,



Michelle McCormick, LMSW
Executive Director
KCSDV