



Support HB 711 to Promote Safety & Justice for Victims of Domestic Violence & Sexual Assault

HB 711 will help victims of domestic violence and sexual assault by:

- Eliminating the spousal privilege in domestic violence criminal cases which will assist prosecutors in their efforts to hold batterers accountable.
- Providing for confidential communications between advocates at Georgia's domestic violence and sexual assault centers and the victims they serve.

Prosecutors need more tools to hold abusers accountable, and victims need a safe, confidential venue outside the criminal justice system to plan for their safety and recover from their experiences of abuse. These changes are supported by the Georgia Coalition Against Domestic Violence, the Georgia Commission on Family Violence, the Georgia Network to End Sexual Assault, the District Attorneys' Association of Georgia, and the Georgia Association of Solicitors-General.

By eliminating the spousal privilege in criminal domestic violence cases, HB 711 will:

- Bring Georgia's law into the mainstream. Currently, 43 other states and the District of Columbia have enacted statutes providing an exception to the spousal privilege in domestic violence cases, including the southeastern states of Alabama, Tennessee, North Carolina, and Florida. Additionally, the National Council of Family and Juvenile Court Judges (NCJFCJ) recommends that spousal privileges be inapplicable in domestic violence cases.
- Take away the ability of perpetrators to pressure their victims to refuse to testify under the spousal privilege.
- Enhance the ability of prosecutors to hold batterers accountable. Currently, a married victim cannot be subpoenaed to testify in a criminal case if she asserts the spousal privilege. In cases where the victim declines to participate in the prosecution, prosecutors are forced to drop cases due to a U.S. Supreme Court case that requires victims to be available in order to introduce evidence of their prior statements in court.
- Facilitate guilty pleas. When perpetrators know that the victim will testify, they are more likely to enter a guilty plea.

By providing for confidential communications between victims and domestic violence and sexual assault center advocates, HB 711 will:

- Increase the safety of victims by encouraging full disclosure of information which leads to better decisions about safety.
- Protect the confidential relationship between advocates and victims. Information from domestic violence and sexual assault centers is often sought solely to discredit victims of crime.
- Protect millions of dollars in state and federal funding. Regulations for all state and federal funds received by domestic violence and sexual assault programs expressly prohibit programs from releasing personal information about victims. Violating these confidentiality provisions could result in the termination of such funding and other possible penalties.
- Bring Georgia's law into the mainstream. Currently, 39 other states and the District of Columbia have enacted statutes protecting the advocate-victim relationship, including the southeastern states of Alabama, Tennessee, North Carolina, and Florida.
- The U.S. Department of Justice under both the Reagan and Clinton Administrations recommended that all states adopt legislation that protects the confidentiality of communications between victims and their advocates. Additionally, the NCJFCJ recommends that advocate-victim privilege be applicable in cases involving domestic violence.

If you have questions or need more information, please contact Allison Smith, GCADV Director of Public Policy, at (404) 209-0280, ext. 15 or asmith@gcadv.org.