

TO: Honorable Members of the House Criminal Justice Subcommittee

FROM: Marci Hamilton, Founder & CEO, CHILD USA; Professor, University of Pennsylvania, and Kathryn Robb, Executive Director, CHILD USAAdvocacy

RE: Florida HB 521: Revises time periods for prosecution of specified sexual offenses committed on certain victims in certain circumstances.

DATE: March 28, 2023

Dear Honorable Members of the House Criminal Justice Subcommittee,

Thank you for allowing us to submit testimony in support of HB 521, which will eliminate the criminal statutes of limitation (“SOLs”) for first and second degree sexual battery offenses. This legislation reflects a better understanding of the complex nature of these specific crimes and will give victims greater opportunity to seek the justice they deserve.

By way of introduction, Professor Marci Hamilton is a First Amendment constitutional scholar at the University of Pennsylvania who has led the national movement to reform statutes of limitations to reflect the science of delayed disclosure of childhood sexual abuse and who founded CHILD USA, a national nonprofit think tank devoted to ending child abuse and neglect. Kathryn Robb is the Executive Director of CHILD USAAdvocacy, an advocacy organization dedicated to protecting children’s civil liberties and keeping children safe from abuse and neglect. Kathryn is also an outspoken survivor of child sex abuse.

I. Research on Trauma and Delayed Disclosure Supports SOL Reform for Child Sexual Abuse

A. There is a Nationwide Epidemic of CSA Causing Lifelong Damage to Victims

Currently, more than 10% of children are sexually abused, with at least one in five girls and one in thirteen boys sexually abused before they turn 18. Child sexual abuse (“CSA”) is a social problem that occurs in all social groups and institutions, including familial, religious, educational, medical, and athletic. Nearly 90% of CSA perpetrators are someone the child knows; in fact, roughly one third of CSA offenses are committed by family members.

The trauma stemming from CSA is complex and individualized, and it impacts victims throughout their lifetimes:

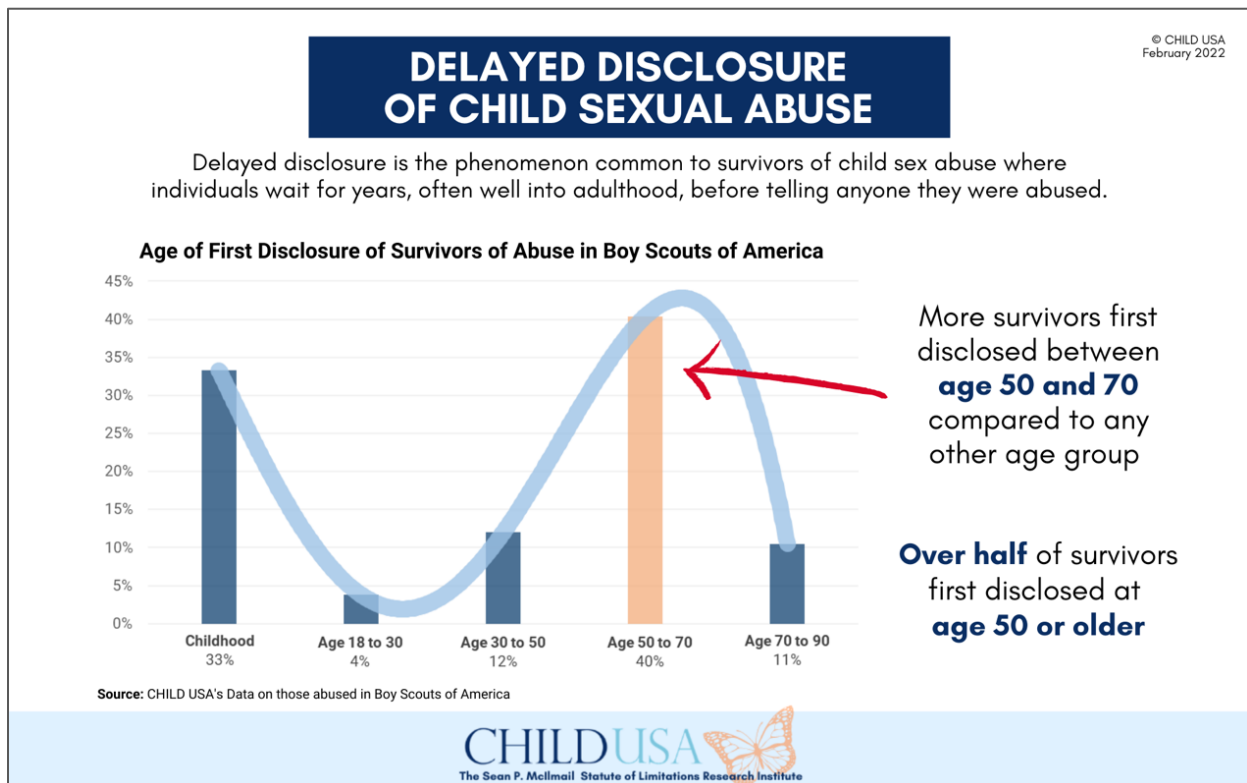
- Childhood trauma, including CSA, can have **devastating impacts on a child’s brain**, including disrupted neurodevelopment; impaired social, emotional, and cognitive development; psychiatric and physical disease, such as post-traumatic stress disorder (PTSD); and disability.



- CSA victims suffer an **increased risk of suicide**—in one study, female CSA survivors were two to four times more likely to attempt suicide, and male CSA survivors were four to 11 times more likely to attempt suicide.
- CSA leads to an increased risk of **negative outcomes across the lifespan**, such as alcohol problems, illicit drug use, depression, marriage issues, and family problems.

B. CSA Victims Commonly Delay Disclosure of Their Abuse for Decades

Many victims of CSA suffer in silence for decades before they talk to anyone about their traumatic experiences. As children, CSA victims often fear the negative repercussions of disclosure, such as disruptions in family stability, loss of relationships, or involvement with the authorities. Additionally, CSA survivors may struggle to disclose because of trauma and psychological barriers such as shame and self-blame, as well as social factors like gender-based stereotypes or the stigma surrounding victimization. Further, many injuries resulting from CSA do not manifest until survivors are well into adulthood. These manifestations may coincide with difficulties in functioning and a further delay in disclosure of abuse.



Disclosure of CSA to the authorities for criminal prosecution is a difficult and emotionally complex process, which involves the survivor knowing that he or she was abused, being willing to identify publicly as an abuse victim, and deciding to act against their abuser. In light of these barriers to disclosure, it is not surprising that an estimated **70% of child sexual assault victims never contact police to report abuse.**

When victims remain silent until after the statute of limitation has expired, criminal charges are barred and the perpetrator escapes prosecution. For both children and adults, disclosure of CSA trauma is a process and not a discrete event in which a victim comes to terms with their abuse. To effectively protect children from abuse, SOL laws must reflect this reality.

II. SOL Reform Serves the Public Good by Giving Survivors Access to Justice and Preventing Future Abuse

Historically, a wall of ignorance and secrecy has been constructed around CSA, which has been reinforced by short SOLs that kept victims out of the legal system. Short SOLs for CSA play into the hands of the perpetrators and the institutions that cover up for them; they disable victims' voices and empowerment and leave future children vulnerable to preventable sexual assault.

CHILD USA and CHILD USA Advocacy are leading the vibrant national and global movement to eliminate civil and criminal SOLs and revive expired civil claims as a systemic solution to the preventable CSA epidemic. There are three compelling public purposes served by the child sexual abuse criminal SOL reform movement, which are explained below.

A. SOL Reform Identifies Hidden Child Predators and Institutions that Endanger Children

It is in society's best interest to have sex abuse survivors identify hidden child predators to the public—whenever the survivor is ready. The decades before public disclosure give perpetrators and institutions wide latitude to suppress the truth to the detriment of children, parents, and the public. Some predators abuse a high number of victims and continue abusing children well into their elderly years. For example, one study found that 7% of offenders sampled committed offenses against 41 to 450 children, and the highest time between offense to conviction was 36 years. SOL reform helps protect Florida's children by identifying sexual predators in our midst. By eliminating short restrictive SOLs, hidden predators are brought into the light and are prevented from further abusing more children in Florida.

B. SOL Reform Stops Perpetrators from Abusing More Children

Criminal SOL reform is critical to child protection because perpetrators of CSA remain a threat throughout their lives. Unlike other types of criminal offenders, the recidivism risk of child sex abusers does not significantly decrease merely by the passage of time. A study of 91 child sex offenders found that 30% had 10 or more victims, 23% had committed offenses against 10 to 40 children, and 7% had committed offenses against 41 to 450 children. Moreover, **55% reported that their offenses became more serious over time**. For example, when the *Boston Globe* shed light on the Boston Archdiocese's cover-up of child sex abuse in 2002, we learned about one of the most harmful priests, John Geoghan, who was sexually abusing children well into his 80s. Thus, even a victim who is in middle age can protect other children from sex abuse by pressing charges.

When short SOLs prevent the state from prosecuting historical cases of abuse, child abusers are not convicted, and they do not enter the sex offender registry thus leaving predators free to access professional and volunteer positions that require close contact with children. Short SOLs are a

procedural “loophole” that undermines the effectiveness of legislation aimed at protecting children.

Short criminal SOLs for sexual assault and abuse play into the hands of perpetrators by diminishing the certainty of punishment and permitting their identities to remain hidden, enabling them to continue their reign of horror in perpetuity. This is a zero-sum game where denying victims justice correspondingly frees up pedophiles to pursue more children. The scientific and empirical evidence overwhelmingly supports these modest changes to Florida’s law.

C. SOL Reform Educates the Public to Prevent Future Abuse

SOL reform also educates the public about the dangers of CSA and how to prevent it. When predators and institutions are exposed, particularly high-profile ones like Larry Nassar, Jeffrey Epstein, the Boy Scouts of America, and the Catholic Church, the media publish investigations and documentaries that enlighten the public about the insidious ways child molesters operate to sexually assault children and the institutional failures that enabled their abuse. By shedding light on the problem, parents and other guardians are better able to identify abusers and responsible institutions, while the public is empowered to recognize grooming and abusive behavior and pressure youth serving organizations to implement effective prevention policies. Indeed, CSA publicity creates more social awareness to help keep kids safe, while also encouraging institutions to implement accountability and safe practices.

III. Florida Should Join the National Trend for CSA SOL Reform

The gold standard of the SOL reform movement for CSA is for states to eliminate civil and criminal SOLs and revive expired civil claims—like Vermont, Maine, Guam and NMI have already done.

CHILD USA and CHILD USA Advocacy are proud to have played a major role working with bipartisan leaders on a new federal law eliminating the SOL for over a dozen federal civil CSA claims and permitting victims to bring a lawsuit against perpetrators and institutions for compensation for their injuries. 18 U.S.C. § 2255. “The science of trauma is clear: it often takes years for victims to come forward,” stated Senator Richard Durbin (D-Ill.), the sponsor of the bill. Co-sponsor Senator Marsha Blackburn (R-Tenn.) correctly pointed out that “[t]he statute of limitations for sexual abuse offenses should never prohibit young survivors from getting the justice they deserve.”

There should never be a time limit on when the government ought to be able to prosecute CSA crimes when they possess substantial evidence to charge an offender. Science supports the need to provide greater time for CSA victims seeking to bring their perpetrators to justice to come forward. Short SOLs keep the public in the dark as to the identities of individuals who pose an ongoing and significant risk to our children. This proposed legislation is a modest advancement towards justice for victims and the protection of children.

IV. Conclusion

Once again, we commend you for supporting this legislation, which is a positive step for Florida's children and families. For more information about statute of limitations reform, visit childusa.org/sol/ or email info@childusa.org. Please do not hesitate to contact us if you have questions regarding SOL reform or if we can be of assistance in any way on other child protection issues.

Sincerely,



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