



TO: Honorable Members of the Senate Public Safety Committee

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

RE: S.B. 558: An act to amend Section 340.1 of the Code of Civil Procedure, and to amend Sections 311.1 and 311.2 of the Penal Code, relating to crimes.

DATE: April 4, 2023

Dear Honorable Members of the Senate Public Safety Committee,

Thank you for allowing us to submit testimony in support of S.B. 558, which will establish the distribution of child sexual abuse material (“CSAM”) as a crime and extend the civil statute of limitation (“SOL”) for CSAM violations. This legislation will not only bring long overdue justice to survivors, but it will also greatly reduce the present danger to children in California by exposing hidden predators who are still abusing children today.

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 limitation to reflect the science of delayed disclosure of childhood sexual abuse (“CSA”) 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 USA Advocacy, 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.

We urge you to vote “YES” on S.B. 558.

This legislation, if passed, will strengthen current policies addressing online sexual exploitation and abuse of children (“OSEAC”) and the distribution CSAM. The troubling reality is that the very online platforms we use daily to connect with one another and exchange information have become places to commit OSEAC and produce and traffic CSAM. While this material is transmitted behind a screen, **the images and videos depict actual crimes and egregious sexual violations against children.**

Not only does CSAM document victims’ exploitation and abuse, but each time a child victim’s image is redistributed, collected, and viewed, their abuse is perpetuated and that child is re-victimized. Additionally, abusers often use the online arena for “child grooming,” with the end goal of manipulating the child to send a sexually explicit photo or video and/or to meet in-person to sexually abuse the child. **Thus, this legislation will mark a critical step in California’s fight against both online and offline child exploitation and 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

In the United States, 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. Tragically, OSEAC is one of the fastest growing crimes and threats against children, with the demand for CSAM reaching epidemic proportions in recent years:

- In 2021, the US Sentencing Commission found that **OSEAC has increased by 422%** over the last 15 years.
- In 2020, **65.4 million CSAM images and video files** were reported to the National Center for Missing and Exploited Children's CyberTipline, the highest number of reports ever received in a single year.
- At any given time, there are at least **one million child sex offenders** searching for CSAM online.
- Research into actively trafficked images of identified victims suggests that **CSAM becomes more violent and sexually explicit over time**.
- With the shift to teleworking and remote learning, there was a rise in the funding, production, and distribution of CSAM during the COVID-19 pandemic.

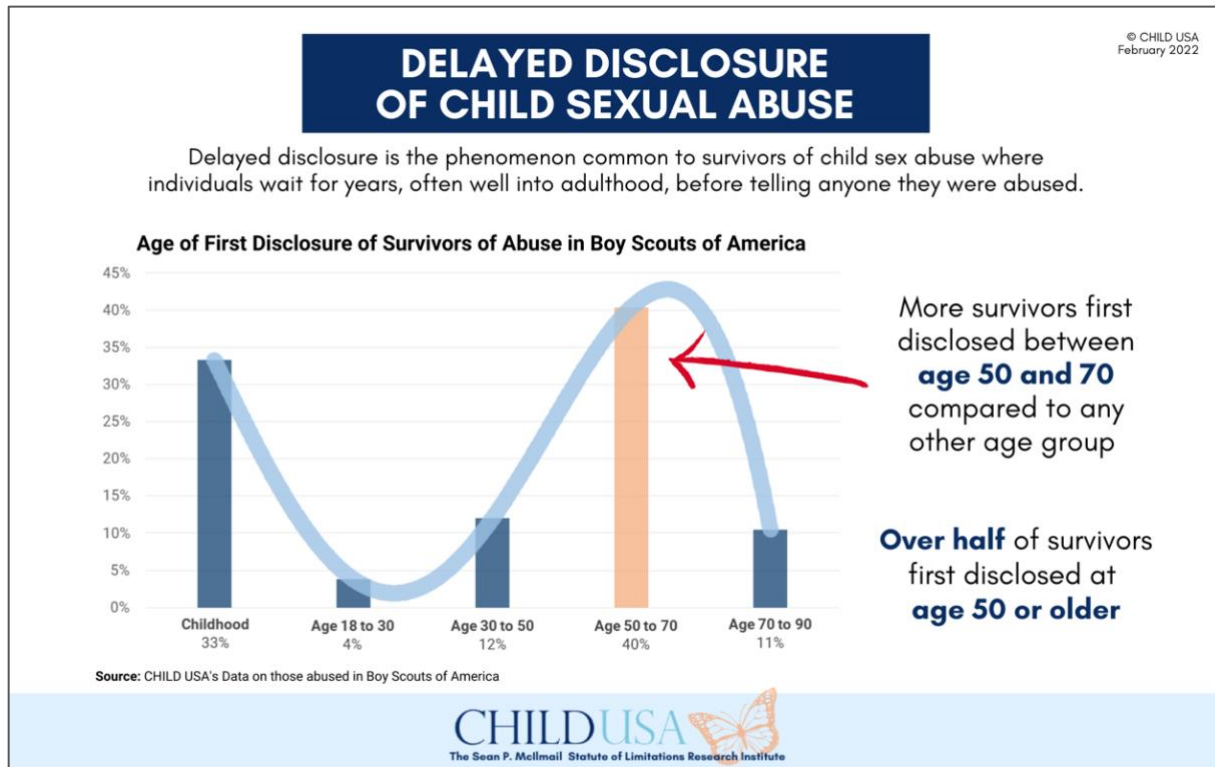
The trauma stemming from childhood sexual abuse, including in the form of OSEAC, is complex and individualized, and it **impacts victims throughout their lifetimes**:

- Childhood trauma, like OSEAC, 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 4 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. Child Sexual Abuse Victims Commonly Delay Disclosure of Their Abuse for Decades

Many victims of CSA, including OSEAC, 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.



Moreover, disclosure of CSA to the authorities for criminal prosecution or an attorney in pursuit of civil justice 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 survivor, and deciding to act against their abuser. In light of these barriers to disclosure, it is not surprising that:

- In a study of survivors of abuse in Boy Scouts of America, **51%** of survivors disclosed their abuse for the first time at **age 50 or older**.
- An estimated **70%** of child sexual assault victims **never contact police** to report abuse.
- **One-third** of CSA survivors **never report** their abuse to anyone.

For both children and adults, disclosure of CSA trauma—whether on or offline—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, including those for OSEAC and CSAM violations, 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 USAAdvocacy 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 SOL reform movement**, which are explained in the graphic below:

HOW STATUTE OF LIMITATIONS REFORM HELPS EVERYONE



Identifies Hidden Child Predators and the Institutions that Endanger Children
to the public, shielding other children from future abuse.



Punishes Bad Actors & Shifts the Cost of Abuse
from the victims and taxpayers to those who caused it.



Prevents Further Abuse
by educating the public about the prevalence, signs, and impact of child sex abuse so that it can be prevented in the future.



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

It is in society's best interest to have sexual abuse survivors, including survivors of OSEAC, 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 California's children by identifying sexual predators in our midst. By extending short restrictive SOLs, hidden predators are brought into the light and are prevented from further committing OSEAC and CSAM crimes in California.

B. SOL Reform Punishes Bad Actors and Shifts the Cost of Abuse

CSA generates staggering costs that impact the nation's health care, education, criminal justice, and welfare systems. The estimated lifetime cost to society of child sexual abuse cases occurring in the US in 2015 is \$9.3 billion, and the average cost of non-fatal per female victim was estimated at \$282,734. Average cost estimates per victim include, in part, \$14,357 in child medical costs, \$9,882 in adult medical costs, \$223,581 in lost productivity, \$8,333 in child welfare costs, \$2,434 in costs associated with crime, and \$3,760 in special education costs. Costs associated with suicide deaths are estimated at \$20,387 for female victims.

It is unfair for the victims, their families, and California taxpayers to be the only ones who bear this burden; this bill levels the playing field by imposing liability on the ones who caused the abuse and alleviating the burdens on the victims and taxpayers.

C. SOL Reform Prevents Further Abuse

SOL reform also educates the public about the dangers of OSEAC 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 traffic CSAM. By shedding light on these problems, 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 prevention policies to report abuse in real time. Indeed, CSA publicity creates more social awareness to help keep kids safe, while also encouraging institutions to implement accountability and safe practices.

III. Conclusion

OSEAC and the spread of CSAM is a serious and costly public health problem across our country, and we must work together as a community to create laws and policies that keep children safe. We commend you for supporting this bill, which will better protect California's children from the trauma of OSEAC and the production and distribution of CSAM.

For more information about statute of limitations reform, visit <https://childusa.org/sol/> or email info@childusa.org. Please do not hesitate to contact us if you have questions regarding online child sexual exploitation or if we can be of assistance in any way on other child protection issues.

Sincerely,



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