

**R027-0405**

10     **A RESOLUTION CONCERNING THE PASSAGE OF HB 1136 AND SB 797 SEXUAL**  
20     **OFFENSES – PHYSICAL RESISTANCE NOT REQUIRED**

30     **WHEREAS:**     HB 1136 and SB 797 introduced in 2005, and is a bill stating that evidence of  
40                     physical resistance by a sexual assault victim is not necessary; and,

50     **WHEREAS:**     HB 1136 and SB 797 still allow evidence of physical restraint in a sexual  
60                     assault as admissible; and,

70     **WHEREAS:**     In the current law for prosecution of a sexual assault there must be three  
80                     requirements, there was a sexual act involved (e.g. sexual intercourse, oral sex,  
90                     etc.), that there was lack of consent and that either “force” or “threat of force”  
100                    was used.

110    **WHEREAS:**     The current law in place fails to protect victims in most date rape cases by  
120                     allowing jurors and others in the criminal justice system to require that a victim  
130                     fight back; and,

140    **WHEREAS:**     It is not always possible for sexual assault victims to use force while being  
150                     assaulted and especially if an illegal substance has been used to facilitate the  
160                     assault, and;

170    **WHEREAS:**     It also has been found that children who are the victims of sexual  
180                     assaults by adults have a difficulty coming forward.

190    **THEREFORE BE IT RESOLVED:**     That the Maryland Student Legislature urges the  
200                     Maryland General Assembly to pass HB 1136 and SB 797 into law; and,

210    **BE IT FURTHER RESOLVED:**     That the Maryland Student Legislature urges Governor  
220                     Ehrlich to sign the two bills into law.

230    **MANDATES:**     Governor Robert L. Ehrlich, Jr.  
240                     Mike Miller, President of the Senate  
250                     Michael Busch, Speaker of the House

**SPONSOR:**

Megan McElreavy, VDCP Hood College