

Jasmine's Law
Ensure Justice Today
Protect our Children's Future

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HB4764

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A Comprehensive Overview on Child Sexual Abuse

The Need for Jasmine's Law

Jasmine's Story

At the tender age of 11 Jasmine became a victim of sexual assault. Her rapist was a 22-year-old relative who had provided her with alcohol in order to perpetrate this violent crime. In 2003 her mother Denise Rotheimer accompanied her through the criminal justice system. The offender, who was never penalized for intoxicating a minor, accepted a plea deal from the State's Attorney's Office for a six-year sentence. Without knowing her rights under the Crime Victims' Rights Act, Denise asked the bailiff if she could let the judge know she disagreed with the minimum sentence of six years. After Denise informed the judge about the legal definition of penetration for children under 13, the minimum sentence was refused and Jasmine's rapist was sentenced for 7^{1/2} years.

Realities of Child Sexual Abuse

Jasmine's assault highlights the reality that almost 60 million Americans are survivors of childhood sexual abuse¹. Long-term analysis of sexual violence finds that **one in three women** and **one in six men** were **sexually abused before their 18th birthday**². Within those victimized almost 50% were forcibly penetrated or fondled before age 12³.

Realities of childhood sexual abuse in the United States:

- 90% of child victims report that a family member or a known and trusted individual was the offender⁵
- Child sexual abuse normally occurs in an ongoing situation where the abuse escalates and typically lasts for four years^{6,7}
- Children with disabilities are 4-10 times more vulnerable to sexual abuse than their non-disabled peers⁸
- Children between the ages of 9 and 12 are most vulnerable to sexual abuse⁹
- Nearly 30% of child sexual assault victims identified by Child Protective Services were between ages of 4 and 7¹⁰

Jasmine's Law

Survivors of child sexual abuse suffer not only from the crime, but also in the aftermath which can be a lifetime riddled with: suicide attempts, depression, sexually transmitted diseases, self-mutilation, substance abuse, recurrent victimization, eating disorders, sleep disorders, gastrointestinal illness, abusive sexual and intimate relationships, increased risk of imprisonment, increased likelihood to be involved in the sex industry.

Sexually-Based Crimes in Illinois

Jasmine's Law endeavors to strengthen Illinois laws that **protect** children from sexually violent perpetrators. *"Having spent over 32 years in law enforcement I know that almost all pedophiles do not reform and need to be removed from society for as long as possible to protect our children,"* Illinois State Senator Tim Bivins of District 45.

Realities of sexual violence in Illinois:

- 19,726 sex offenders out of the 24,130 currently registered in Illinois have sexually abused a child¹¹
- The average child sex offender has committed an average of 282 offenses against 150 victims¹²
- 2¹/₂ years is the average sentence served by child sex offenders in Lake County, Illinois¹³
- Sex offenders released from state prisons are four times more likely to reoffend than other criminals¹⁴

Child sexual abuse impacts more than the victim and his or her family. Communities are affected and must respond to protect those harmed and to condemn the perpetrators. Increasing minimum sentences on all categories of child sex crimes by 11 years, as proposed in Jasmine's law, creates a stronger deterrent and sends a message that we as a State condemn violence against our children.

Alcohol-Facilitated Sexual Assaults

It is well known that child sexual predators “groom” children to eventually engage them in sexual activities.¹⁵ Part of this process can involve intoxicating victims either voluntarily or involuntarily to reduce their awareness or resistance to the assault¹⁶.

Use of an intoxicant by sexual predators:

- Alcohol is by far the most commonly used drug during sexual assaults, however, some perpetrators also report using marijuana, cocaine, and other drugs¹⁷
- 50-75% of sexual assaults involve alcohol or drug use by perpetrators or victims^{18,19, 20}

Most controlled substance or drugs are recognized under Illinois State Law as an aggravating factor to a class X felony of Predatory Criminal Sexual Assault ***with the exception of alcohol***. Currently the use of alcohol, the most commonly used intoxicant due to its accessibility, is equated to a slap on the wrist through a misdemeanor charge. Jasmine's Law will remedy this flaw in legislation by including alcohol as an aggravating factor and adding an additional 11 years to the sentence imposed by the courts. Alcohol is used purposely by predators in sexually abusing children and deserves acknowledgement and adequate punishment under Illinois law.

Victims' Rights

In 1992, the General Assembly incorporated the Crime Victims' Rights Act under Article 1, Section 8.1 of the Illinois Constitution of 1970. This amendment to the Constitution fell short of making those rights enforceable. The enforcement of victims' rights is necessary to ensure justice for survivors of sexual violence. According to the Coalition for Enforceable Victims' Rights in Illinois, *“There is no power or authority that can force a judge or [State's] Attorney to respect the rights of the victims when those rights matter most. Without a means of enforcement, these rights are illusory at best and solely dependent on the good will of those in control of proceedings.”*²¹

Jasmine's Law endeavors to make crime victims' rights enforceable. Providing victims and their families with mandated sign-off sheets at the onset of the criminal justice process is a first step in creating an enforcement mechanism under the Crime Victims'

Rights Act Rights of Witnesses and Victims of Violent Crime Act and the Children's Bill of Rights Act of Illinois. Victims and their families deserve to know their rights to ensure justice and their access to the full measure of the law.

¹ U.S. Department of Health and Human Services, 2000

² Finkelhor, D., et al. (1990) "Sexual Abuse in a National Survey of Adult Men and Women: Prevalence, Characteristics, and Risk Factors."

³ Simpson, C., Odor, R., & Masho, S. (2004). *Childhood Sexual Assault Victimization in Virginia*. Center for Injury & Violence Prevention. Virginia Department of Health.

⁵ Kilpatrick, D., Saunders, B., & Smith, D. (2003). Youth victimization: Prevalence and implications. U.S. Department of Justice, National Institute of Justice report.

⁶ Conte, J.R. (1986). *A Look At Child Sexual Abuse*, National Committee for Prevention of Child Abuse.

⁷ Courtois, C. (1988). *Healing the Incest Wound: Adult Survivors in Therapy*, WW Norton & Co, New York.

⁸ Baladerian, N. (1992). "Rapport Model Aids Victims with Developmental Disabilities." *National Resource Center on Child Sexual Abuse, the National Center on Child Abuse and Neglect* 1 (4): 8.

⁹ Finkelhor, D. & Browne (1986). Initial and Long Term Effects: A Conceptual Framework. *Sourcebook on Child Sexual Abuse*. pp 10-25.

¹⁰ U.S. Department of Health and Human Services. Children's Bureau. *Child Maltreatment 1997: Reports from the States to the National Child Abuse and Neglect Data System*. Washington, D.C.: 1999.

¹¹ Illinois State Police Website. *Sex Offender Information* <http://www.isp.state.il.us/sor/sor.cfm> Dec. 27, 2009

¹² Grossman, L.S., Martis, B., and Fichtner, C.G. (1999) "Are Sex Offenders Treatable? A Research Overview" *Psychiatric Services* March 1, 1999 50 (3): 349-361

¹³ Jenkins, Marc. "Too Young for Justice" Lake County Sun Times Newspaper, Feb. 14, 2008

¹⁴ U.S. Department of Justice (2003) "Recidivism of Sex Offenders Released from Prison in 1994".

¹⁵ Stewart, D. L. "Victim Grooming: Protect Your Child From Sexual Predators" Boys Town Assessment Center/Behavioral Pediatrics & Family Services Clinic <http://www.parenting.org/tween/victimGrooming.asp>

¹⁶ Johnson, S.A. (2006) Physical Abusers and Sexual Offenders: Forensics and Clinical Strategies, The Midwest Book Review, pg. 59

¹⁷ Abbey, A & Ortiz, L.G. (2008) Alcohol and Sexual Violence Perpetration. *National Online Resource Center on Violence Against Women*.

¹⁸ Koss, M. P., Dinero, T. E., Seibel, C. A., & Cox, C. L. (1988). Stranger and acquaintance rape: Are there difference in the victim's experiences. *Psychology of Women Quarterly*, 12, 1-24.

¹⁹ Barbaree, H., Hudson, S., & Seto, M. (1993). Sexual assault in society: The role of the juvenile offender. *The Juvenile Sex Offender* pp.1-24.

²⁰ Murdoch D., Phil, R.O., & Ross, D. (1990) "Alcohol and Crimes of Violence: Present Issues." *The International Journal of the Addictions* 25, no. 9 (1990): 1,065-81.

²¹ Illinois Coalition for the Enforcement of Victims' Rights in Illinois, "HJRCA 19 Constitutional Amendment to Expand and Enforce Crime Victim Rights". March 13, 2009
<http://www.icasa.org/docs/legislation/crime%20victim%20rights.pdf>