

**Written Testimony of Rebecca Shiemke**  
**Michigan Advocacy Project**  
**HB 4221, 4222**  
**June 10, 2009**

I am Rebecca Shiemke, the family law attorney at Michigan Poverty Law Program. Michigan Poverty Law Program is the statewide support center for legal services program in Michigan. I am here today on behalf of the Michigan Advocacy Project (MAP). The Michigan Advocacy Project is a joint project between the Michigan League for Human Services (MLHS) and the Michigan Poverty Law Program. MAP advocates on behalf of the state's low-income population on issues in the areas of family law, elder law, housing and consumer protections.

SB 4222 would amend Michigan's Personal Protection Order statute (MCL 600.2950a) to permit a sexual assault victim to petition the court for a civil protection order, or PPO, after being sexually assaulted by a non-intimate partner. Under the current state of Michigan law, sexual assault victims have no right to a PPO unless the assault was committed by an intimate partner or the sexual assault was part of a pattern of conduct that constitutes stalking. While civil protection orders for victims of intimate partner violence are available in every state, only 17 states have enacted statutes specifically creating civil protection orders for victims of non-intimate partner sexual assault. Hopefully, Michigan will soon join this small but growing group.

Nationally, one out of every six adult women in the United States has experienced a forcible sexual assault.<sup>1</sup> The majority of victims (78%) were sexually assaulted by a known perpetrator and the remaining 22% were sexually assaulted by strangers.<sup>2</sup> Of those victims assaulted by someone they know, the majority were assaulted by non-intimate partners including

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<sup>1</sup> Dean G. Kilpatrick et al., *Rape in America: A Report to the Nation*, Arlington, VA, National Center for Victims of Crime (1992);

<sup>2</sup> *Id.*

acquaintances, relatives or non-relatives such as friends or neighbors.<sup>3</sup> Sexual assault is one of the most underreported crimes in the United States with only 16% of victims reporting the crime to law enforcement.<sup>4</sup>

Sexual assault victims' safety should be a paramount concern to Michigan and its citizens. Personal protection orders are emergency remedies designed to provide for immediate safety for the victim of violence or stalking. Making personal protection orders available to victims of stranger, acquaintance, dating and other non-intimate partner sexual assault will help enhance victim safety. Because of the expedited application process and speed of entry, personal protection orders are easier for sexual assault victims to secure, in contrast to a criminal procedure that may take months or years to conclude. Access to justice is essential to ensuring that victims of sexual assault receive the protection and remedies necessary to prevent and minimize the lifelong, devastating effects of the crime on the victims.

I urge this committee to strongly consider the benefits of HB 4221 and 4222 and consider passage of these companion bills.

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<sup>3</sup> *Id.*

<sup>4</sup> Violence Against Women: *The Response to Rape: Detours on the Road to Equal Justice*, Report Majority Staff of the United States Senate Judiciary Committee, 103 Congress, May 1993.