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# BARBARA DITTRICH

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STATE REPRESENTATIVE • 38<sup>th</sup> ASSEMBLY DISTRICT

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**Rep. Barbara Dittrich Testimony on AB 520 – permanent restraining orders for victims of sexual assault.**

## **Assembly Committee on Criminal Justice and Public Safety**

Thank you Chairman Spiros and the members of the Assembly Committee on Criminal Justice for taking the time to listen to testimony today regarding Assembly Bill 520, Kayleigh’s Law. As you may be aware, this legislation would allow certain sexual assault victims to petition the court for a life-time restraining order against their convicted assaulter.

Kayleigh’s law has recently gone through the Arizona legislative process with overwhelming bipartisan support and was signed into law. It sets out to provide the ability for the victim to seek out continued protection from contact, even if a perpetrator’s probation is terminated. When it was signed into law on April 20, 2021, Arizona became the first state in the nation to offer these protections to victims.

In Wisconsin, nearly one in five high school students (19.9%) reported that someone has forced them "to do sexual things they did not want to do." (Youth Risk Behavior Survey). Nationally, One in three women and one in six men have experienced sexual violence in their lifetime. (National Intimate Partner and Sexual Violence Survey), and 90% of victims know the person who assaulted them. (Rape, Abuse and Incest National Network).

Currently in Wisconsin, a restraining order may be issued for an adult for up to four years and for a child for up to two years. These orders can be extended by four years for adults and two years for children, with the option for 10 years for adults and 5 years for children if there is a substantial risk that there is a substantial risk to the survivor. This bill allows for a LIFETIME restraining order to protect survivors of 1st degree, 2nd degree, or 3rd degree sexual assault, as well as in the case of an “individual at risk”.

I am delighted to be joined by the namesake of the legislation, Kayleigh Kozak. She will be sharing her testimony with you as well. Again, I want to thank the committee for their time and welcome any questions you may present.

## Kayleigh Kozak Testimony on AB 520

Good morning, Assembly members. Thank you for allowing me to speak to you all today. My name is Kayleigh Kozak, I am a resident of Arizona but the great State of Wisconsin is near and dear to my heart. Many of my family and extended family members hail from the Badger State. During football season you'll find our family in green and gold proudly cheering on the Packers. Like you, I have been defined by many titles; I am a wife, a mother to 5 beautiful children, a daughter, a college graduate, a Christian, a friend, and the founder and president of an organization -- but the one title I never imagined I would be defined by is - survivor.

In 2006, as a 14-year-old high school freshman, I found the courage to report the abuse that I had endured. I was 12 years old the first time that I was sexually abused. It wasn't something that ended quickly and it lasted throughout my junior high years. Like many survivors of this type of abuse, it came at the hands of someone that my family and I knew and trusted. *My club soccer coach and Elementary school PE teacher.* When this man pled guilty to the charges of sexually abusing a 12-year-old girl, he was offered a deal that included not one but two terms of lifetime probation. My parents agreed to this deal because they were under the assumption that a lifetime of probation would provide me a lifetime of protection - protection from harassment, protection from stalking or contacting me for a lifetime. This deal gave them some peace during what was one of the darkest times in our family.

As a child you think that telling the truth will make everything ok but the aftermath of turning in my abuser was unlike anything I could have ever imagined. I was forced to walk away from my club soccer team, which, at that time was what I lived for. My family completely fell apart, my dad up and left our family and my mom turned to pills. It was one trauma after another and there were times I questioned if I had made the right choice by turning him in. I remember thinking to myself at the time- if I could keep this from happening to even one other young girl, the hell I went through would be worth it. That is where I found my comfort for my decision. Life never slowed down. I learned how to cope with my current reality and did my best to pick up the pieces.

Fourteen years had passed since I had heard anything about my abuser. In January of 2020, I received a phone call, the kind that brings you to your knees. I was informed that my abuser was motioning for early termination from his two terms of lifetime probation, and he would likely get it lifted, due to good behavior. The flood of emotions that went over me were unexplainable. I was confused, afraid, overwhelmed, I felt betrayed. When he took his plea deal he agreed to lifetime probation, not 14 years. I started asking questions about the terms of his probation, I was sure that even if his probation was terminated that I would still have protection. Imagine the gut wrenching fear I had when I learned that my direct protection fell within the terms of his probation, once his probation was lifted and no longer in place, my direct protection was gone. I wondered how this was even possible? Why is it an all or nothing scenario?

Last year, I did something no victim should ever have to do; re-face their abuser. After 15 years of seeing this man I had to face him in court to ask the judge to deny his appeal, because once his probation was gone, so was my protection. I could not wrap my head around the fact that there was no such thing as continued protection for victims and survivors of sexual abuse. I realized that I could not sit back and do nothing. I looked at my oldest daughter who is the same age that I was when the abuse started and in that moment a fire was ignited within me, this was no longer just about me and my situation, this was about standing up and being a voice for all those that have been and will be victims of sexual abuse.

In December of 2020 I reached out to my local Senator, Sine Kerr. I shared my story with her, I explained that I was hopeful for a new law, a law that would provide victims and survivors of sexual abuse continued protection from their abuser, regardless of the terms of the perpetrators probation status. Senator Ker shared the same sentiment of shock about the lack of current continued protection that was available for victims and agreed this had to change. She very quickly drafted a bill in January of 2021, SB1412. SB1412 provides victims and survivors of sexual abuse continued protection regardless of the terms of the perpetrators probation status. This bill went through both the Arizona State Senate and Arizona House of Representatives and passed with complete bipartisan support in four months. On April 20<sup>th</sup>, 2021 Governor Doug Ducey signed SB1412 into law. It was incredible that the bill had passed so quickly with so much support in Arizona! In June, the Arizona State Senate proclaimed SB1412 as "Kayleigh's Law", I felt so honored.

Although I am so proud that this is now a law in Arizona, and that victims and survivors in Arizona have the indefinite protection they deserve, Arizona is just not enough, because victims don't just matter in Arizona, victims everywhere matter to me!

In July, I received a phone call from Representative Dittrich telling me she would be honored to draft this bill in the state of Wisconsin. I want to express my gratitude to her for believing in this mission and for sponsoring this bill here. Knowing that victims in Wisconsin may soon have the indefinite protection from their abuser is a huge step in the right direction for victims. A victim should never have to live in fear that one day they could lose the direct protection from the person who has harmed them.

I stand here before you today with a hopeful heart that this much needed change will be made in the state of Wisconsin. Victims across our nation are equally as important to me, which I booked a last minute flight for a quick 27-hour round trip to be here and testify on behalf of this bill today and fight for the protection that victims deserve, because they still matter. According to RAINN (Rape, Abuse & Incest National Network) every 68 seconds an American is sexually assaulted, to put that into perspective, during this quick 27-hour trip, apparently 1,620 people will have been a victim of sexual assault. This bill is simple, and critical for victims' rights. This bill takes nothing away from the perpetrator but ultimately gives the victim the option to have indefinite protection from the person who has already harmed them and taken a part of their life they can never get back. Today, we have the opportunity to come together and push

this bill forward in the state of Wisconsin, by doing this we are giving victims of sexual abuse the option to request the lifetime protection they deserve. This law will impact so many victims in such an incredible way.