

**HB 518: DAMAGES CAP FOR RAPE/ASSAULT  
PROPONENT TESTIMONY  
DECEMBER 3, 2020**

Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and members of the House Civil Justice Committee, I want to add my support for HB 518. As a victim myself, I have educated myself on victim issues and testified over the years on bills concerning tort law, victim rights and services, and insurance.

Until offenders are held fully accountable, and victims are made as close to whole as possible, justice has not been served. Until justice is served, victims cannot hope to heal to any meaningful extent.

I have learned that each source of victim compensation seems to assume that another source is making the victim whole. It doesn't work out that way in real life. And, each source has its own set of legal protections in the way of monetary caps.

Worst, excusing the criminal process from awarding sufficient compensation for all—including emotional and psychological distress—damages by saying the victim can use the civil process, is simply not acceptable.

Filing a lawsuit is an emotionally-draining, time-consuming, mentally-challenging and expensive experience that seems too often to have insufficient or no success. The worst part of relying on a lawsuit for damages is that it puts the burden on the victim. All burdens should be on offenders who have been found guilty.

To my knowledge, the primary justification for damage caps is the belief that some people will “game the system” and end up getting more than they need or deserve. Years ago, as I followed and involved myself in SB 80 to amend parts of the tort law, I learned that such attempts can be—and are—recognized by the judge, who has the authority to dismiss an unmerited case or request.

The basis of our legal system is that the outcome of a case should be based on the circumstances of that particular case. Setting an arbitrary cap on all monetary damages for all future cases stands in direct opposition to this principle.

I urge this committee to quickly recommend HB 518 for full House passage. Whether or not there is time left for the Senate to also hear and pass it, House passage would send an important message to members of the next General Assembly: that this problem must be corrected.

Thank you for considering my views.

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