EXHIBIT 12
DATE 2/22/2013
HB HJ 13

Marci McLean
Chairman and Committee Members;

I rise in support for **HJ 13**, **the Joint Resolution to call on Congress to pass the Violence Against Women Act**

There is a significant population of Native people in Montana (total of seven reservations). Native women are more likely than any race/ethnicity per capita in the U.S. to be victims of violence.

According to the US Department of Justice, Amnesty International, AND the United Nations:

1. **1 in 3 Native women will be raped in their lifetime.**
2. **3 out of 4 will be physically assaulted.**
3. **Native women are 2.5x more likely to be stalked than any other race/ethnicity per capita.**
4. **Murder is 10x the national average, and the third leading cause of death.**
5. **88% of perpetrators of violence against Native women are non-Native men.**
6. **Specifically in Montana there has been a rise in violence against Native women, and sex trafficking of Native girls courtesy of the oil boom**

Currently tribes do not have the authority to prosecute non-Native rapists and domestic abusers. Federal authorities are in charge of handling these cases but have repeatedly stated that they lack the time and resources to do so. Between 2005-2009 they declined 50% (HALF) of all reported cases of domestic and sexual assault on reservation. The Department of Justice

testified before the U.S. Senate and said the tribal provisions are they appropriate fix to close this jurisdictional loophole and to protect Native women.

Native American women deserve to be protected, and tribes deserve Inherent Authority to prosecute non-Native perpetrators of violence. Please pass this Resolution and encourage Congress to pass a comprehensive VAWA that protects *all* women.

Factsheet: The Violence Against Women Act

Under the leadership of then-Senator Joe Biden, Congress recognized the severity of violence against women and our need for a national strategy with the enactment of the Violence Against Women Act in 1994. This landmark federal legislation's comprehensive approach to violence against women combined tough new provisions to hold offenders accountable with programs to provide services for the victims of such violence.

VAWA has **improved the criminal justice response** to violence against women by:

- holding rapists accountable for their crimes by strengthening federal penalties for repeat sex offenders and creating a federal "rape shield law," which is intended to prevent offenders from using victims' past sexual conduct against them during a rape trial;
- mandating that victims, no matter their income levels, are not forced to bear the expense of their own rape exams or for service of a protection order;
- keeping victims safe by requiring that a victim's protection order will be recognized and enforced in all state, tribal, and territorial jurisdictions within the United States;
- increasing rates of prosecution, conviction, and sentencing of offenders by helping communities develop dedicated law enforcement and prosecution units and domestic violence dockets;
- ensuring that police respond to crisis calls and judges understand the realities of domestic and sexual violence by training law enforcement officers, prosecutors, victim advocates and judges; VAWA funds train over 500,000 law enforcement officers, prosecutors, judges, and other personnel every year;
- providing additional tools for protecting women in Indian country by creating a new federal habitual offender crime and authorizing warrantless arrest authority for federal law enforcement officers who determine there is probable cause when responding to domestic violence cases.

VAWA has **ensured that victims and their families have access to the services** they need to achieve safety and rebuild their lives by:

- responding to urgent calls for help by establishing the National Domestic Violence Hotline, which has answered over 3 million calls and receives over 22,000 calls every month; 92% of callers report that it's their first call for help;

- improving safety and reducing recidivism by developing coordinated community responses that bring together diverse stakeholders to work together to prevent and respond to violence against women,

- focusing attention on the needs of underserved communities, including creating legal relief for battered immigrants so that abusers cannot use the victim's immigration status to prevent victims from calling the police or seeking safety, and supporting tribal governments in building their capacity to protect American Indian and Alaska Native women.

VAWA has **created positive change**. Since VAWA was passed:

- Fewer people are experiencing domestic violence.
  - Between 1993 to 2010, the rate of intimate partner violence declined 67%;
  - Between 1993 to 2007, the rate of intimate partner homicides of females decreased 35% and the rate of intimate partner homicides of males decreased 46%.
- More victims are reporting domestic and sexual violence to police, and reports to police are resulting in more arrests.
- States have reformed their laws to take violence against women more seriously:
  - All states have reformed laws that previously treated date or spousal rape as a lesser crime than stranger rape;
  - All states have passed laws making stalking a crime;
  - All states have authorized warrantless arrests in misdemeanor domestic violence cases where the responding officer determines that probable cause exists;
  - All states provide for criminal sanctions for the violation of a civil protection order;
  - Many states have passed laws prohibiting polygraphing of rape victims;
  - Over 35 states, the District of Columbia, and the U.S. Virgin Islands have adopted laws addressing domestic and sexual violence, and stalking in the workplace. These laws vary widely and may offer a victim time off from work to address the violence in their lives, protect victims from employment discrimination related to the violence, and/or provide unemployment insurance to survivors who must leave their jobs because of the abuse.