

103^D CONGRESS
2^D SESSION

S. CON. RES. 21

Expressing the sense of Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible if offered in a State court by a defendant in a criminal case.

IN THE SENATE OF THE UNITED STATES

MARCH 30 (legislative day, MARCH 3), 1993

Ms. MOSELEY-BRAUN (for herself, Mr. HATCH, Mr. McCAIN, Mr. DOMENICI, Mr. DECONCINI, Mrs. BOXER, Mr. BURNS, Mr. REID, and Mr. CONRAD) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

OCTOBER 8 (legislative day, SEPTEMBER 12), 1994

Committee discharged

CONCURRENT RESOLUTION

Expressing the sense of Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible if offered in a State court by a defendant in a criminal case.

Whereas State criminal courts often fail to admit expert testimony offered by a defendant concerning the nature and effect of physical, sexual, and mental abuse to assist the trier of fact in assessing the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

Whereas the average juror often has little understanding of the nature and effect of domestic violence on the behavior, beliefs, or perceptions of such a defendant, and the lack of understanding can result in the juror blaming the woman for the victimization of the woman;

Whereas the average juror is often unaware that victims of domestic violence are frequently in greater danger of violence after the victims terminate or attempt to terminate domestic relationships with their abusers;

Whereas myths, misconceptions, and victim-blaming attitudes are often held not only by the average layperson but also by many in the criminal justice system, insofar as the criminal justice system traditionally has failed to protect women from violence at the hands of men;

Whereas specialized knowledge of the nature and effect of domestic violence is sufficiently established to have gained the general acceptance that is required for the admissibility of expert testimony;

Whereas, although both men and women can be victims of physical, sexual, and mental abuse by their partners in domestic relationships, the most frequent victims are women; and

Whereas a woman is more likely to be assaulted and injured, raped, or killed by the current or former male partner of the woman than by any other type of assailant, and over one-half of all women murdered are killed by their current or former male partners: Now, therefore, be it

- 1 *Resolved by the Senate (the House of Representatives*
- 2 *concurring*), That it is the sense of Congress that—

1 (1) expert testimony concerning the nature and
2 effect of domestic violence, including descriptions of
3 the experiences of battered women, should be admis-
4 sible if offered in a State court by a defendant in
5 a criminal case to assist the trier of fact in under-
6 standing the behavior, beliefs, or perceptions of such
7 defendant in a domestic relationship in which abuse
8 has occurred;

9 (2) a witness should be qualified to testify as an
10 expert witness, with respect to a case in which abuse
11 has occurred, based upon the knowledge, skill, expe-
12 rience, training, or education of the witness, and
13 should be permitted to testify in the form of an
14 opinion or otherwise; and

15 (3) domestic relationships about which such ex-
16 pert testimony should be admissible include relation-
17 ships between spouses, former spouses, cohabitants,
18 former cohabitants, partners, or former partners,
19 and between persons who are in, or have been in, a
20 dating, courtship, or intimate relationship.

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