

103^D CONGRESS
1ST SESSION

H. CON. RES. 20

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 when offered in a State court by a defendant in a criminal case.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1993

Mrs. MORELLA submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

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 when 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 such a defendant's behavior, beliefs, or perceptions, and the lack of

understanding can result in the juror blaming the woman for her victimization;

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

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 which 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 her current or former male partner 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 House of Representatives (the Senate*

2 *concurring)*, That it is the sense of Congress that—

3 (1) expert testimony concerning the nature and

4 effect of domestic violence, including descriptions of

5 the experiences of battered women, should be admis-

6 sible when offered in a State court by a defendant

1 in a criminal case to assist the trier of fact in under-
2 standing the behavior, beliefs, or perceptions of such
3 defendant in a domestic relationship in which abuse
4 has occurred;

5 (2) a witness should be qualified to testify as an
6 expert witness based upon her or his knowledge,
7 skill, experience, training, or education, and should
8 be permitted to testify in the form of an opinion or
9 otherwise; and

10 (3) a domestic relationship about which such
11 expert testimony should be admissible includes rela-
12 tionships between spouses, former spouses, cohabi-
13 tants, former cohabitants, partners or former part-
14 ners, and between persons who are in, or have been
15 in, a dating, courtship, or intimate relationship.

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