

In Strong Support of House Bill 7206

Dear Chair McEntee and Honorable Members of the House Committee on Judiciary:

My name is **Victoria Burke**. I am an attorney, an adjunct law professor, and the architect of the legislation commonly known as the **Speak Your Truth Act**, which is part of a nationwide movement, with four states enacting this legislation: **Connecticut, Maine, California, and Oregon**. House Bill 7206 is modeled on that proven framework. I submit this testimony in **strong support** of HB 7206, which would close a critical gap in Rhode Island law and ensure that survivors of sexual assault are not silenced through retaliatory defamation lawsuits when they speak truthfully and in good faith about what happened to them.

WHY CURRENT RHODE ISLAND LAW IS NOT ENOUGH

Rhode Island's existing anti-SLAPP statute provides important protections, but it does not adequately protect survivors of sexual assault. The statute is limited to statements made in connection with government proceedings or matters deemed to be of public concern. Courts have frequently and incorrectly characterized sexual assault and sexual harassment as purely private matters rather than issues of public concern.

As a result, most survivor disclosures fall outside the statute's protection. Survivors typically disclose assaults to family members, friends, employers, HR departments, school administrators, Title IX investigators, or support networks. These are precisely the contexts in which retaliatory defamation lawsuits are most commonly used, and where Rhode Island law currently offers the least protection.

HB 7206 directly addresses this gap by protecting good-faith disclosures about sexual assault, harassment, or discrimination, regardless of whether a court later characterizes the speech as a matter of public concern.

WHAT HB 7206 DOES — AND DOES NOT DO

HB 7206 establishes a clear legal presumption that survivors who speak in good faith are protected from retaliatory defamation lawsuits. Critically, it allows prevailing survivor-defendants to recover attorney's fees. This fee-shifting provision serves two essential purposes: it incentivizes attorneys to represent survivors despite their often-limited financial resources, and it deters frivolous lawsuits filed solely to intimidate and silence.

At the same time, the bill carefully protects the falsely accused. HB 7206 allows defamation claims to proceed when a plaintiff can establish that accusations were made in bad faith, with malice or gross negligence. The bill therefore strikes a balanced and constitutionally sound approach, protecting truthful speech while preserving accountability for knowingly false allegations.

Existing defamation law is not enough. Even when a survivor ultimately prevails, the harm has already been done. Defending a defamation lawsuit can cost tens or hundreds of thousands of dollars, and under current law, a survivor who wins must still bear those costs. The result is severe financial harm imposed by a lawsuit later shown to be meritless. HB 7206 corrects this imbalance by ensuring survivors are not punished financially for telling the truth.

FISCAL IMPACT

House Bill 7206 has **no fiscal impact**. It requires **no new funding, staffing, or state resources**. The bill operates entirely within existing civil procedure and defamation law. By discouraging meritless, retaliatory

lawsuits at an early stage, HB 7206 may reduce strain on Rhode Island's courts and limit the use of judicial resources on cases filed solely to intimidate and silence survivors.

WHY THIS BILL MATTERS TO ME PERSONALLY

Several years ago, I believe my drink was drugged and that I was sexually assaulted by a male friend I trusted. I nearly died and was left in a severe coma. After being released from the hospital, I reported the assault to the police, but no arrest followed.

In the aftermath, a defamation attorney warned me that if I spoke publicly and identified the man I believed assaulted me, I could be sued for defamation. Even if I ultimately prevailed, the cost of defending such a lawsuit could be financially ruinous. Like so many survivors, I was forced to choose between my safety and my truth. Silence became the only affordable option. Essentially, I was tasked with protecting my abuser's reputation indefinitely, a task that should not be put upon any survivor.

Later, I learned that the same man went on to sexually harass students at the law school where I teach. He is now banned from campus. Sexual predators rarely stop at one victim. Survivor speech is not merely personal; it is a matter of public safety. That is why I made it my mission to reform the law so survivors can safely speak their truth.

CONCLUSION

The fear of retaliatory defamation litigation is one of the most powerful tools used to silence survivors of sexual assault. House Bill 7206 restores balance by protecting truthful, good-faith speech while preserving due process and accountability. It has no fiscal cost and imposes no burden on the state yet provides critical protection for survivors.

I respectfully urge this Committee to advance House Bill 7206 with a favorable recommendation.

Respectfully submitted,

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