MEMORANDUM

To: All Members of the PA House of Representatives

From: Representative Cherelle L. Parker
Representative Kate Harper

Date: February 9, 2011

Re: Expert Testimony in Sexual Assault Cases

In the near future, we plan to re-introduce amended legislation, former HB2255 of the 2009-10 Legislative Session, which permits the use of expert testimony in criminal proceedings involving sexual offenses.

Under the proposal, expert testimony regarding any recognized form of post-traumatic stress disorder and counterintuitive behavior on the part of a victim will be admissible. Currently, Pennsylvania is the only state that explicitly bans expert testimony regarding the behavior of sexual assault victims. The Pennsylvania Supreme Court has held that in cases involving sex crimes, expert testimony improperly bolsters the credibility of victims and is therefore inadmissible. The court has ruled that because jurors must determine if a witness is telling the truth from the evidence, there is no need for expert testimony that addresses issues concerning post-traumatic stress disorder and other common psychological reactions to trauma.

This legislation will overturn the ban on expert testimony in sexual assault cases. This legislation is needed to provide jurors with the proper context in which to evaluate a victim's behavior and overcome myths and misunderstandings about the behavior of victims in sexual crimes.

If you are interested in co-sponsoring this legislation, please contact Germaine Brown at gbrown@pahouse.net or at 717-783-2178.

Previous co-sponsors: HARPER, ADOLPH, BEYER, BISHOP, BOYLE, BRADFORD, BRENNAN, BRIGGS, BROWN, CARROLL, CLYMER, CREIGHTON, DiGIROLAMO, DONATUCCI, FARRY, FLECK, FRANKEL, FREEMAN, GALLOWAY, GEIST, GINGRICH, GOODMAN, HARHART, HENNESSEY, HESS, HORNAMAN, JOHNSON, JOSEPHS, KOTIK, KULA, LENTZ, McGEEHAN, MELIO, MICOZZIE, MILLER, MIRABITO, MOUL, MURT, MYERS, M. O'BRIEN, O'NEILL, PHILLIPS, QUINN, RAPP, READSHAW, ROCK, ROSS, SANTONI, SIPTROTH, K. SMITH, VEREB, VULAKOVICH, WATSON, WHEATLEY, WILLIAMS AND YOUNGBLOOD.