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MEMORANDUM

TO: All House Members
FROM: Representative Todd Stephens and Representative Josh Shapiro
DATE: March 1, 2011
SUBJECT: Cosponsorship of Legislation to Amend Institutional Sexual Assault Statute

Tomorrow (Wednesday, March 2, 2011), we will introduce legislation to amend the Institutional Sexual Assault statute to protect students and children from being sexually exploited by employees in their schools or childcare centers. This legislation is similar but not identical to HB 2576 of 2010 introduced by Rep. Shapiro and Rep. Vereb last session. That legislation passed unanimously out of the Judiciary Committee but was never brought to the floor for a vote.

Cosponsors of HB 2576 were: SHAPIRO, VEREB, BAKER, BELFANTI, BOYD, BRADFORD, BRENNAN, CARROLL, CHRISTIANA, CLYMER, CUTLER, DePASQUALE, FLECK, GERBER, GOODMAN, GROVE, HARHART, HARPER, HARRIS, HICKERNELL, HOUGHTON, KORTZ, KULA, MANN, MICOZZIE, MILLARD, M. O'BRIEN, O'NEILL, PASHINSKI, PYLE, READSHAW, ROCK, SIPTROTH, K. SMITH, M. SMITH, SWANGER, TRUE, VULAKOVICH, WAGNER, WATSON, EVERETT, OBERLANDER, BRIGGS, BEYER, KILLION, GILLESPIE, MOUL, RAPP, DALEY, MILNE, FARRY, PETRARCA, MURT, MUNDY, BROWN, GINGRICH AND DEASY

This legislation creates two new subsections in the Institutional Sexual Assault statute in order to make it unlawful for a teacher or other employee of a public or private school or an employee or volunteer of a child care center to engage in sexual intercourse, deviate sexual intercourse, or indecent contact with any student or child. The crime is graded as a felony of the third degree.

The intent of the legislation is two-fold. First, while current law clearly prohibits adults from engaging in sexual contact with children under the age of 16, questions exists as to whether the law prohibits adult teachers or other school employees from engaging in sexual contact with students 16 and older. This legislation would prevent those entrusted with educating our children from exploiting them. Second, the legislation treats sexual assaults committed against a child when the child is in a school setting and when the child is in a day care setting the same way these offenses are treated when a child is in the setting of a youth development center,

mental health or retardation center, or youth forestry camp. All of these places are institutions where parents trust the employees to provide a safe environment for their children.

As a former prosecutor assigned to the Sex Crimes Unit in the Montgomery County DA's Office, Rep. Stephens understands the need for this legislation and as the son of a pediatrician, Rep. Shapiro understands the lasting effects these crimes can leave on our children.

This legislation is supported by the PA District Attorney's Association.

If you care to co-sponsor this legislation, please contact Lindsey Freidly at LFreidly@pahousegop.com or at (717) 260-6163.