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COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES  
COMMITTEE ON JUDICIARY

In re: Senate Bill 634

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Stenographic report of hearing held  
in Room 140, Majority Caucus Room,  
Main Capitol Building, Harrisburg,  
Pennsylvania

Thursday,  
November 8, 1990  
11:00 a.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN  
Hon. Kevin Blaum, Subcommittee Chairman on  
Crime and Corrections

MEMBERS OF COMMITTEE ON JUDICIARY

- |                         |                            |
|-------------------------|----------------------------|
| Hon. Jerry Birmelin     | Hon. Paul McHale           |
| Hon. Michael C. Gruitza | Hon. Nicholas B. Moehlmann |
| Hon. Lois S. Hagarty    | Hon. John F. Pressmann     |
| Hon. David W. Heckler   | Hon. Robert D. Reber       |
| Hon. David J. Mayernik  | Hon. Karen A. Ritter       |

Also Present:

- David Krantz, Executive Director
- Mary Woolley, Republican Counsel
- Mary Beth Marschik, Republican Research Analyst
- Katherine Manucci, Staff

Reported by:  
Ann-Marie P. Sweeney, Reporter

ANN-MARIE P. SWEENEY  
536 Orrs Bridge Road  
Camp Hill, PA 17011  
717-737-1367

49  
+ 46 attach.  
95 pages

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INDEX

|    |  |             |
|----|--|-------------|
| 1  |  |             |
| 2  |  | <u>PAGE</u> |
| 3  | Eric M. Pauley, Legislative Assistant to<br>Senator John D. Hopper, Prime Sponsor of SB 634  | 4           |
| 4  |  |             |
| 5  | Sue Cameron, Executive Director, Pennsylvania<br>Coalition Against Rape  | 7           |
| 6  | Dr. Joseph Puthenpurayil   | 23          |
| 7  | Dr. Stephen Ludwig, Department of Pediatrics,<br>Children's Hospital of Philadelphia; Chairman<br>of Attorney General's Advisory Board on<br>Child Abuse | 30          |
| 8  |  |             |
| 9  |  |             |
| 10 | Cynthia Martelli, Esq., Chief, Child Abuse Unit,<br>Philadelphia District Attorney's Office,<br>Representing the District Attorneys Assn.                | 34          |
| 11 |  |             |
| 12 |  |             |
| 13 | <u>APPENDIX</u>  | 50          |
| 14 | Exhibit submitted by Allegheny District Attorney's<br>Office   |             |
| 15 |  |             |
| 16 | Exhibit submitted by Pennsylvania District<br>Attorneys Association  |             |
| 17 | Gerry Sokol, the C.A.R.E. Rape Crisis Center   |             |
| 18 | Sue Cameron  |             |
| 19 | Dr. Stephen Ludwig   |             |
| 20 | Cynthia Martelli, Esq.   |             |
| 21 |  |             |
| 22 |  |             |
| 23 |  |             |
| 24 |  |             |
| 25 |  |             |

1           CHAIRMAN CALTAGIRONE: We'll open up  
2 today's hearing dealing with Senate Bill 634. We're  
3 here today to take testimony on Senate Bill 634, the  
4 legislation removing a statute of limitations for  
5 sexual offenses that involve anyone under 18 years of  
6 age.

7           Child abuse in any form is a tragedy, and  
8 many of the 23,323 child abuse cases reported last year  
9 involved sexual offenses. The number of reported and  
10 confirmed cases of child abuse, which include sexual  
11 offenses, increased last year to record proportions.  
12 The pain and scars of that abuse can last a lifetime.

13           Senate Bill 634 would allow a victim of  
14 child sexual abuse to take action against an accuser  
15 any time by removing any statute of limitations. State  
16 law has no statute of limitations for neglect or  
17 wrongful pain inflicted on a child by a parent or a  
18 guardian or someone living in the child's home. The  
19 committee must consider whether the same standards  
20 should be extended to child sexual abuse cases.

21           Let us begin the testimony. Before we  
22 start that, I'd like the members of the committee and  
23 the staff to please introduce themselves. If we could  
24 start with Jack.

25           REPRESENTATIVE PRESSMANN: Representative

1 John Pressmann.

2 REPRESENTATIVE REBER: Representative Bob  
3 Reber, Montgomery County.

4 REPRESENTATIVE HECKLER: Representative  
5 Dave Heckler, Bucks County.

6 REPRESENTATIVE BLAUM: Kevin Blaum, city  
7 of Wilkes-Barre.

8 MR. KRANTZ: Dave Krantz, Executive  
9 Director of the House Judiciary Committee.

10 CHAIRMAN CALTAGIRONE: And Mary Woolley  
11 was around somewhere.

12 REPRESENTATIVE HECKLER: She'll be back.

13 CHAIRMAN CALTAGIRONE: Okay.

14 We can start off with the first  
15 presenter, which would be Eric Paul.

16 MR. PAULEY: Thank you, Chairman  
17 Caltagirone, members of the committee.

18 District Attorneys have indicated that  
19 they are faced with a serious problem with child sexual  
20 abuse cases. It usually takes a number of years before  
21 the child comes forward about the allegations. Because  
22 of this, the general statute of limitations, which is  
23 two or five years, depending on if it's a felony or  
24 misdemeanor, will elapse and the child cannot take any  
25 repercussions, court action against the perpetrator of

1 that crime.

2           Senate Bill 634 would delay the start of  
3 the statute of limitations period on child sex offenses  
4 until the victim reaches 18. Under current law, a  
5 family or custodial relationship between the  
6 perpetrator and the victim must exist in order to delay  
7 the running of the statute of limitations until the  
8 child's 18th birthday. This bill would expand the law  
9 to include sexual offenses against a minor committed by  
10 any individual, not just parents and custodians.

11           An example of the present law is this:  
12 An uncle who molested a child would have to be  
13 prosecuted within two or five years of the date of the  
14 offense. However, the uncle who would commit the same  
15 offense but resides in the house with the child or is  
16 responsible for the child welfare, that prosecution  
17 must occur within two or five years from the time the  
18 child reaches 18. This distinction appears to have  
19 little practical validity. The results can be absurd  
20 because the same offense can have differing time  
21 limitations depending upon when the perpetrator fits  
22 into this narrow exception.

23           Senate Bill 634 would protect the  
24 children of this Commonwealth from sexual abuse and  
25 neglect by enabling prosecutions to be brought against

1 perpetrators with a more lengthy period of time which  
2 applies to other offenses.

3 Another concern with the current law is  
4 that you must be able to show that an injury has  
5 occurred by the sexual abuse. This is a problem,  
6 according to the district attorneys, because there's no  
7 physical evidence of sexual abuse. Therefore, it's  
8 hard for them to actually carry out the existing law.

9 The supporters of this legislation  
10 include the Allegheny County District Attorney's  
11 Office, the Pennsylvania District Attorneys  
12 Association, the Pennsylvania Coalition Against Rape.

13 Our office has worked with Mary Lou  
14 Barton of the AG's office, who is Chief Deputy of the  
15 Child Abuse Prosecutions Unit, and I was also aware  
16 that in June a House Select Committee on Sexual Assault  
17 and Domestic Violence issued a report which recommended  
18 legislation to extend the statute of limitations.

19 Several States have enacted laws which  
20 extend the statute of limitations for crimes committed  
21 against a child which include Wisconsin, New Jersey,  
22 Ohio, Florida, Montana, and Washington, just to name a  
23 few. And those laws apply to everyone and not just  
24 parents or custodians.

25 This legislation passed overwhelmingly in

1 the Senate 45 to 3 on March 20, 1990, and Senator  
2 Hopper would respectfully urge the House Judiciary  
3 Committee to vote the measure out and get a full action  
4 on the House.

5 CHAIRMAN CALTAGIRONE: Thank you, Eric.

6 Are there any questions from any of the  
7 members or staff?

8 (No response.)

9 CHAIRMAN CALTAGIRONE: Seeing none, thank  
10 you, Eric.

11 MR. PAULEY: Okay.

12 CHAIRMAN CALTAGIRONE: We'll next hear  
13 from Sue Cameron, Executive Director of the  
14 Pennsylvania Coalition Against Rape.

15 MS. CAMERON: Good morning, Mr. Chairman,  
16 members of the committee. I'm Sue Cameron, the  
17 Executive Director of the Pennsylvania Coalition  
18 Against Rape, and I'm pleased to present testimony to  
19 the committee on behalf of PCAR and its member centers.

20 PCAR, through the Department of Public  
21 Welfare, administers funds to 45 sexual assault centers  
22 across the State. We serve women, children, and men in  
23 58 of Pennsylvania's 67 counties. Last year, those  
24 centers served more than 27,000 victims and others  
25 closely associated with the victims, including many

1 family members.

2 Four out of ten adult victims that were  
3 seen by centers are survivors of childhood sexual  
4 abuse. Since 1985, the number of adult victims has  
5 increased by 119 percent, and centers report that the  
6 most rapidly increasing victim population is adult  
7 survivors of incest and child sexual assault.

8 To understand the necessity and the  
9 importance of extending the statute of limitations for  
10 sexual offenses committed against children, one must  
11 first understand the dynamics of child sexual abuse and  
12 its devastating toll on the individual in society. The  
13 complexity and the very nature of child sexual abuse  
14 requires us to re-examine and revise our current laws.

15 Child sexual assault or abuse is any  
16 manual, oral, or genital manipulation or contact  
17 between an adult and child where the child is unable  
18 to change or understand the adult behavior because of  
19 the imbalance of physical, emotional, and psychological  
20 power between the adult and the child. Children who  
21 are sexually abused are victims of their age, their  
22 naivete, and their trust in adult authority figures.  
23 Paramount to the continuation of the abuse is the  
24 offender's ability to coerce the child into silence.  
25 In very young children it's the manipulation of their



1 desire to please the adult, their need for emotional  
2 and physical security. As the child gets older, the  
3 secret is kept through fear of physical harm, fear of  
4 the disruption of the family unit, fear that no one  
5 will believe them, and their feelings of shame and  
6 guilt.

7 Fear is the major factor in why children  
8 don't tell about sexual assault. The secrecy coerced  
9 by the offender and maintained out of fear eliminates  
10 accountability on the offender's part and allows the  
11 abuse to continue. Not unlike other sexual assault  
12 victims, the child's entire well-being is affected  
13 socially, emotionally, psychologically, and physically.  
14 The victim may experience a variety of immediate  
15 emotional and psychological problems. These include  
16 confusion, shock, fear, shame, anger, guilt, anxiety,  
17 isolation, depression and helplessness. Self-esteem is  
18 destroyed. There is no longer trust in themselves or  
19 anyone else.

20 It is estimated that a child is sexually  
21 abused or assaulted every two minutes. While the  
22 majority of child victims are between the ages of 8 and  
23 13, incidents have occurring involving children as  
24 young as 2 months olds. Equally disturbing is the fact  
25 that between 80 and 90 percent of sexually abusive acts

1 are committed by individuals known to the child, both  
2 relatives and nonrelatives. It's also estimated that  
3 there are currently 34 million adult women in the  
4 United States who were sexually abused as children.  
5 This figure supports other research findings that  
6 estimate that one in four females will be sexually  
7 abused before they reach the age of 18. It's more  
8 difficult to say how many adult males suffer the same  
9 kind of abuse, but some research suggests that one in  
10 seven boys will be abused as children. It is said that  
11 for every victim revealed, nine are never brought to  
12 the attention of the authorities. According to David  
13 Finkelhor, Associate Director of the Family Violence  
14 Research Program in New Hampshire, the cases actually  
15 uncovered by statisticians and researchers may  
16 represent only a tip of an unfathomable iceberg.

17 Offenders capitalize on a child's  
18 immaturity and trusting nature to fulfill their need  
19 for domination, approval, and/or recognition. The  
20 victim is exploited socially, emotionally, physically,  
21 and psychologically. Since in the majority of cases  
22 the victim knows the offender, sexual abuse is rarely a  
23 one-time occurrence. Studies conducted by Gene Abel at  
24 the Sexual Behavior Clinic at the New York State  
25 Psychiatric Institute reveal that the average offender

1 has abused a total of 76 victims all under the age of  
2 14. The typical offender within the family has  
3 committed more than 80 acts of incest with a female  
4 victim or victims. Child molesters are responsible for  
5 more than 10 times the number of victims than is the  
6 average rapist.

7 It is estimated that less than 10 percent  
8 of all sexually abused victims receive treatment as  
9 children. As stated earlier, 4 out of 10 of the adult  
10 victims seen by Pennsylvania's sexual assault centers  
11 are survivors of child sexual abuse. On the average,  
12 these individuals wait a number of years before seeking  
13 help. PCAR's statistics show that 49 percent of adult  
14 survivors waited 5 years or less before coming forward;  
15 30 percent reported that the abuse occurred between 6  
16 and 10 years ago; another 21 percent reported that the  
17 abuse occurred more than 10 years ago.

18 Those individuals who do not disclose and  
19 receive help as children suffer from a number of  
20 problems as adults. They range from repression of the  
21 memories of abuse, eating disorders, compulsive  
22 behavior, self-hatred, sexual dysfunction, drug and/or  
23 alcohol abuse, chronic physical problems, and  
24 debilitating mental health problems - depression,  
25 phobias, panic disorders and suicidal tendencies.

1 Without proper treatment and support, they are unable  
2 to function as healthy adults within our society.

3 The harm caused by the abuse and the  
4 offender's ability to manipulate the victim clearly  
5 interferes with the victim's capacity to seek legal  
6 redress. In cases where the offender is a respected  
7 member of the community, such as a teacher, clergy,  
8 businessman or professional, the dynamics and the  
9 politics of the community may also interfere. It is  
10 difficult for a community to perceive that an  
11 outstanding member of the community could be guilty of  
12 so heinous a crime. Offender behavior is excused or  
13 minimized by the alleged offender's standing in the  
14 community. Decisions to prosecute may be influenced  
15 either suddenly or overtly by such standing. Decisions  
16 made about and for them as children may be less than  
17 satisfactory once the child has become an adult.

18 Once an adult survivor has sought help  
19 and is on the way to recovery, they seek ways to make  
20 their offender accountable; not an unreasonable  
21 pursuit. Survivors soon realize that criminal and  
22 civil statutes of limitations have expired. They are  
23 overwhelmed with feelings of helplessness and  
24 powerlessness. Victims call our office weekly  
25 expressing their dismay and frustration with the

1 current law. As one victim just last week so aptly put  
2 it, "He ruined my life. I am unable to work. I gave  
3 birth to his daughter. It just isn't fair. Why does  
4 the law let him get away with it? He is running around  
5 scot-free with everyone thinking he is a great guy."

6 The dynamics of child sexual abuse  
7 prohibit many victims from achieving immediate criminal  
8 redress. Pennsylvania's current law effectively bans  
9 such redress to them as adults. Specifically, the  
10 tolling of statutes begins running from the time of the  
11 incident. Since the majority of child sexual abuse is  
12 ongoing and long-term, our Criminal Code may prevent  
13 prosecution for incidents that occurred when the abuse  
14 began. For instance, an offender who began sexually  
15 abusing a child at age 5 until age 16, when the abuse  
16 is first reported, cannot be prosecuted for offenses  
17 prior to age 11. Even if the law holds him accountable  
18 for the most recent offenses, legally six years of  
19 sexual abuse are erased for the offender but not for  
20 the victim. Senate Bill 634 addresses this issue.

21 Consideration of this legislation has  
22 raised a number of questions regarding the possible  
23 implications for the judicial system and those who may  
24 be prosecuted. In particular, concern has been raised  
25 over the issues of individuals bringing false charges,

1 the difficulty in prosecuting or defending charges that  
2 may be 10 or more years old, the reliability of  
3 evidence, and the inclusion of all offenders, not just  
4 family members, in the legislation. PCAR wishes to  
5 address these concerns for the committee.

6 First, in all categories of crime, there  
7 is an approximately 2 to 3 percent false reporting  
8 rate. This figure holds true for both adult rate and  
9 child sexual abuse. According to Dr. Arthur Green at  
10 the Columbia University in New York, 95 percent of  
11 children who accuse adults of sexual abuse are telling  
12 the truth. Experts in the field believe that false  
13 recantations are far more common than false  
14 accusations. In a North Carolina study conducted by  
15 Everson and Boat, 8 percent of adolescents alleging  
16 sexual abuse were believed to have falsely recanted a  
17 true accusation. Changes in the story are often due to  
18 family pressure, guilt, and a lengthy court process.  
19 While there's always a possibility to abuse the law,  
20 rarely does anyone lie about sexual abuse. It is  
21 highly unlikely that an individual will fabricate a  
22 history of sexual abuse in light of the social stigma  
23 still surrounding its disclosure. The experience of  
24 centers supports research on the likelihood that false  
25 allegations will be made or in fact will not be made.

1 Clearly, this is the exception rather than the norm.  
2 Pennsylvania law should be reflective of the norm  
3 rather than driven by the exceptional situation.

4           Second, prosecuting child sexual abuse  
5 cases is always difficult, whether the abuse occurred  
6 yesterday or more than 10 years ago. A year-long study  
7 of felony child sexual abuse cases conducted by Mimi  
8 Rose, Philadelphia Chief Assistant District Attorney,  
9 and Dr. Allan De Jong, Jefferson Medical College in  
10 Philadelphia, concluded that: First, proven cases of  
11 child sexual abuse usually have no physical evidence;  
12 and, second, the presence of physical evidence did not  
13 guarantee the conviction of the alleged perpetrator.  
14 Of the 115 cases that involved penetration charges, the  
15 legal outcome did not appear to be affected by the  
16 child's age, sex, type of sexual conduct, relationship  
17 to the perpetrator, number of victims, or perpetrator's  
18 duration of abuse, type of trial, testimony by  
19 physicians, or interval from disclosure to trial.  
20 According to Rose and De Jong, "We do not want these  
21 findings to be misinterpreted as a condemnation of  
22 physical evidence and forensic evidence collection. We  
23 believe the findings support the idea that the  
24 essential elements in the prosecution of these cases  
25 are the quality of the history obtained and the ability

1 of the child to tell his or her story effectively."  
2 Cases brought by adult survivors include their ability  
3 as adults to tell their story accurately and  
4 effectively, something that they were unable to do as  
5 children.

6 Third, offenders subject to this proposed  
7 change in law must include nonrelatives. If adult  
8 survivors are unable to press charges against an  
9 offender who is not a relative, the offender is able to  
10 continue abusing new victims. The adult survivor not  
11 only seeks criminal redress for her or his  
12 victimization but to end the cycle of abuse perpetrated  
13 by the offenders against other children.

14 And finally, the decision to prosecute  
15 cases rests finally with the district attorney. Their  
16 judgment and the checks and balances within the  
17 judicial system must be given an opportunity to work.  
18 To not pass legislation out of fear of misuse by a few  
19 would be a grave injustice to the numerous adult  
20 survivors whose lives have been permanently scarred.

21 PCAR supports passage of Senate Bill 634  
22 and urges the members of this committee to report the  
23 measure out of committee with one minor change. This  
24 past spring Title 18 of the Consolidated Statutes was  
25 amended to create a new sexual offense of aggravated



1 indecent assault. This offense, a second-degree  
2 felony, is charged in cases involving digital  
3 penetration. Paragraph 4 of Senate Bill 634 must be  
4 amended to include this new felony offense.

5 With this amendment, PCAR urges the House  
6 Judiciary Committee to report the bill to the floor for  
7 final action during these closing days of the session.  
8 And the change that we're suggesting I think is  
9 understandable in that the original draft of this bill  
10 occurred prior to the change in Title 18.

11 Let me raise a parallel concern just for  
12 future acts in consideration, and that involves the  
13 issue of civil suits by victims in cases of sexual  
14 abuse. The current law provides for a two-year statute  
15 of limitations beyond the age of majority. We  
16 encourage the committee to consider extending the  
17 statute of limitations in civil cases to at least 12  
18 years beyond the age of majority. Adult survivors may  
19 require lengthy and expensive counseling or therapy.  
20 Although criminal accountability may be foreclosed as  
21 an option, some financial accountability from the  
22 offender for pain and suffering should not be precluded  
23 from civil, if not criminal, action, and current law  
24 effectively does that. So we would suggest that  
25 hopefully next session the committee can begin to look

1 at the issue of civil liability. This is in line with  
2 the previously referenced recommendation of the House  
3 Committee on Rape Crisis and Domestic Violence  
4 Services, which endorsed this extension. What we  
5 estimate from our statistics if this change in civil  
6 law were made that about 80 percent of the adult  
7 survivors that our centers see would then at least have  
8 the potential for some kind of civil recourse.

9 A second issue, and this is a new issue  
10 that's beginning to be looked at in States across the  
11 country in cases of civil action involves the concept  
12 of delayed discovery. It's not unusual for adult  
13 survivors to regain conscious memory of childhood abuse  
14 long after the expiration of any kind of statute of  
15 limitations. In effect, these persons are denied both  
16 criminal and civil recourse under current law. Even  
17 extending the statute of limitations to 12 years in  
18 civil cases may not suffice in these instances. The  
19 concept of delayed discovery, which is most often used  
20 in breach of trust, fraud, and medical malpractice  
21 suits, can be extended to include cases of childhood  
22 sexual abuse. Essentially, delayed discovery stops the  
23 clock on the statute of limitations in cases where the  
24 victim was unaware that they had been injured. They  
25 regain their memory long after the statute has expired.

1 Other States have passed legislation extending or  
2 eliminating the statute of limitations in civil  
3 actions. They've also included in that some very  
4 strict procedural guidelines when the concept of  
5 delayed discovery is invoked, and we certainly have  
6 information to provide members of the committee on this  
7 issue.

8 So in addition to acting favorably on  
9 Senate Bill 634, we urge the committee to begin to  
10 address the issue of civil liability. Changes in law  
11 can never eliminate the devastation resulting in child  
12 sexual abuse, but the provisions of law can provide  
13 full range of criminal and civil redress to adults who  
14 as children have been its victims.

15 Thank you.

16 CHAIRMAN CALTAGIRONE: I want to  
17 recognize Chairman Nick Moehlmann from Lebanon, who has  
18 joined the panel.

19 Are there any questions?

20 Representative Reber.

21 BY REPRESENTATIVE REBER: (Of Ms. Cameron)

22 Q. Do you have any statistics as to the  
23 number of cases that would have or could have been  
24 prosecuted if this particular statute was in effect  
25 that because of its lack of existence it went

1 unprosecuted? I see in our information we have  
2 documentation from the Pennsylvania District Attorneys  
3 Association of a Wayne County case where the alleged  
4 sexual abuse took place in '85, '86 and wasn't brought  
5 to light until '89 and therefore it could not go  
6 forward. How many cases have fallen between the  
7 cracks? Is there any type of statistical analysis on  
8 that?

9 A. We don't have particularly statistics. I  
10 can give you situations that I'm familiar with, and  
11 there are a number of instances where it may, different  
12 kinds of scenarios where it most often occurs. One  
13 would be, for instance, where a fairly young child may  
14 in fact report abuse, it may be investigated, but  
15 because of the child's -- well, for a number of  
16 reasons. It may be because of the child's inability to  
17 articulate satisfactorily, to satisfy those that are  
18 investigating, a finding or a finding of an unfounded  
19 case may in fact result. That doesn't mean that the  
20 abuse did not occur. It means they were not able to  
21 demonstrate through the investigation sufficient to go  
22 forward bringing charges. As that child gets older,  
23 they certainly may become more articulate and able to  
24 satisfy what would have been the requirements necessary  
25 to bring a prosecution. Under current law, that

1 situation may be foreclosed to the victim and to the  
2 district attorney also.

3 Q. Of course that dilemma is something that  
4 has existed since time immemorial wherever you have a  
5 child victim and/or a child witness situation,  
6 regardless of whether it's in the criminal side or the  
7 civil side.

8 A. That's right.

9 Q. We have always had that problem from an  
10 evidentiary standpoint.

11 A. There is always great difficulty in  
12 investigating cases of child sexual abuse. I think,  
13 though, the thing that we need to look at is do the  
14 provisions of law in fact hinder that investigation or  
15 do they in fact help it to go forward? And I think  
16 that's as we look at this change.

17 The other kind of scenario where it's  
18 difficult to get specific statistics are the situation  
19 that I mentioned where charges may -- a child may  
20 disclose abuse and the alleged perpetrator is a member  
21 of the community with some kind of standing, whatever  
22 that means, and it varies from community to community.  
23 There can be significant pressure brought on the  
24 child's parents, for instance, but the case can be  
25 handled in ways that don't affect that person's

1 standing in the community. In cases of clergy you end  
2 up where transfers are made, and what we find is that  
3 an offender known to someone in Pennsylvania is now in  
4 another State and another State and another State. In  
5 those kinds of situations, once the child reaches 18,  
6 there is no recourse. And you can say that everyone  
7 involved at the time of the incident made decisions  
8 that were perhaps what they thought were in that  
9 child's best interests, but I think by the time the  
10 child then reaches 18 they say, that wasn't in my best  
11 interest at all and I have no recourse, and I think  
12 this then provides that additional recourse that we  
13 feel is important for victims to recover.

14 Q. One last question. On page 2 of your  
15 testimony you referenced "While the majority of child  
16 victims are between the ages of 8 and 13, instances  
17 have occurred involving children as young as 2 months  
18 old."

19 A. Um-hum.

20 Q. Just so I understand the ramifications of  
21 what this proposed legislation would do, let's take the  
22 two-month-old scenario.

23 A. Um-hum.

24 Q. If in fact there was a single event at  
25 the age of 2 months and this statute was, this proposed

1 bill was law, we are talking conceivably just shy of 23  
2 years later, correct?

3 A. That's right. Presuming that there is  
4 first the recall is sufficient to satisfy the district  
5 attorney. I think that's the check that you have.

6 Q. I understand the absurdity of the  
7 example, but theoretically, it could stretch it out.

8 A. That's exactly right.

9 REPRESENTATIVE REBER: Thank you, Mr.  
10 Chairman.

11 CHAIRMAN CALTAGIRONE: We've also had  
12 Representatives McHale and Birmelin join us. And  
13 Representative Ritter.

14 Are there any other questions?

15 (No response.)

16 CHAIRMAN CALTAGIRONE: No other  
17 questions, okay, thank you very much.

18 We'll next hear from Cynthia Martelli.

19 (No response.)

20 CHAIRMAN CALTAGIRONE: We'll go on to Dr.  
21 Puthenpurayil.

22 DR. PUTHENPURAYIL: Thank you, Mr.  
23 Chairman and the members of the committee.

24 I am the father of a daughter who was  
25 abused and through painful personal experience

1 discovered that the law in Pennsylvania was not  
2 adequate to protect children from sexual abuse. If you  
3 will bear with me, I would like to explain some of the  
4 circumstances of the events that occurred so that you  
5 can really appreciate my feelings.

6 I was born and raised in India as a  
7 member of a very traditional Christian family. The  
8 Christian church there dates back to the first century.  
9 My parents, my father is a farmer and he had 10  
10 children. I was second of the 10 children. Two of my  
11 sisters died when I was young.

12 I completed my Master's degree and I was  
13 teaching at a college for about five years and then I  
14 decided that in order for me to help the rest of the  
15 family that it would be better for me if I came to the  
16 United States and got an advanced degree and went back  
17 to work there. So I came and joined the University of  
18 Pennsylvania as a graduate student in chemistry in  
19 1962. I finished my Ph.D. in '66 and I decided to work  
20 a couple of years before I went back, so I started  
21 teaching at the McKeesport Campus of Penn State. There  
22 I happened to meet my present wife, who is American,  
23 and even when we got married we had every intention of  
24 returning to India to live.

25 But a year after we were married, our



1 first daughter was born, and when she was about  
2 four-months-old she developed a brain lesion. We took  
3 her to the hospital and the doctors said they thought  
4 it was cancer, so they did surgery and they inserted a  
5 shunt which runs from her brain into her heart, and she  
6 went through six brain surgeries in a period of about  
7 four months. And after that, the shunt started working  
8 so we were happy and she was having a fairly normal  
9 life. When she was four years old she started having  
10 seizures and so she was placed on a heavy dose of  
11 Phenobarbital and Dilantin. These are drugs that tend  
12 to slow down the brain activities. And she was on  
13 these drugs for about nine years.

14 Because my daughter was ill and then we  
15 had a son that was born about two years later, we  
16 decided to -- well, because of my daughter's condition,  
17 I decided that I could not go back to India because the  
18 medical facilities there would not be sufficient to  
19 take care of her problems. And since we decided to  
20 settle here, I thought I would try to bring one of my  
21 family members so that in case of an emergency, I would  
22 have somebody to watch my son when we took her to the  
23 hospital. So I brought my sister over and she stayed  
24 with us for five years and she went to school here.  
25 Now she's living here and she's working here.

1                   My older brother, who also had 10  
2 children, asked me if I would be able to bring one of  
3 his children over so that he can help the rest of the  
4 family. So his oldest son was married to a nurse so I  
5 was able to get her a visa and they came over and the  
6 only way I could keep them here was by allowing them to  
7 stay in my house. So after she came, she sponsored her  
8 husband, so my nephew was able to come over. And they  
9 lived with us for a little over four years. And he  
10 came here in 1978 and he lived with us until 1981. And  
11 in the fall of 1983 we found out that my daughter was  
12 being sexually molested by this man. And we asked her  
13 about it and she was not able to say everything about  
14 it, she was so devastated. She never admitted to being  
15 raped for a long time. I took her for counseling for  
16 over two years and it took her until about a couple of  
17 years ago only that she was able to say to us that she  
18 was actually raped.

19                   When we would ask her questions, she  
20 would say, "Well, you know, he did this, he did this,  
21 he did that." "And then what happened?" And she would  
22 reach a point and say, "Well, I don't remember. I  
23 don't want to talk about it." That's how she would  
24 react.

25                   So when I found out the extent of the

1 abuse and so forth, I wanted to take action. As soon  
2 as I found out about it I wanted to take action and I  
3 asked her if she would be able to testify and she  
4 refused. She said, "No, I cannot do it." This man had  
5 her totally brainwashed, he had her convinced that the  
6 parents did not care about her, only he cared about  
7 her, and if she said anything to us, that the family  
8 will fall apart. So that's why she was not willing to  
9 say anything to anybody.

10 But then after the counseling and so  
11 forth and when she got older she was able to see that  
12 she was, you know, being told lies by this guy and so  
13 she wanted to prosecute him. And I approached the  
14 district attorney's office and because of the tollings  
15 in the statute of 1985, he said there was some  
16 possibility but there had to be proof for use of force,  
17 there had to be proof for injury, and so forth.

18 So after we took her to the police  
19 officers, two different places because it happened in  
20 his apartment and in our house, finally he, the DA's  
21 office, decided that they were not going to prosecute,  
22 especially because he is now living in California. And  
23 I'm not blaming the DA's office. I think the letter of  
24 the law makes it very difficult to fault them to  
25 prosecute. But as a father, I could not live with that



1 happy to answer them.

2 CHAIRMAN CALTAGIRONE: Questions?

3 (No response.)

4 CHAIRMAN CALTAGIRONE: Doctor, thank you  
5 very much for your testimony. We appreciate it.

6 DR. PUTHENPURAYIL: Thank you.

7 CHAIRMAN CALTAGIRONE: Is Cynthia  
8 Martelli here?

9 (No response.)

10 CHAIRMAN CALTAGIRONE: Dr. Stephen  
11 Ludwig? Is Dr. Ludwig in the room?

12 (No response.)

13 CHAIRMAN CALTAGIRONE: We'll take a  
14 5-minute break until the other two testifiers are  
15 present.

16 I might add that we do have two pieces  
17 that I'd like to enter for the record from Allegheny  
18 County and the Pennsylvania District Attorneys  
19 Association, so that we could enter this into the  
20 record.

21 (See Appendix for exhibits.)

22 CHAIRMAN CALTAGIRONE: We'll take a  
23 5-minute break.

24 (Whereupon, a recess was taken at 11:50  
25 a.m. The proceedings were resumed at 12:16 p.m.)

1                   CHAIRMAN CALTAGIRONE: We can start  
2 again, and we will start with Dr. Stephen Ludwig, and  
3 then I think Cynthia is here, so if you'd like to come  
4 up with the Doctor, Cynthia, you can give your  
5 testimony and then stand for questioning.

6                   DR. LUDWIG: Good morning. My name is  
7 Stephen Ludwig. I'm a pediatrician at the Children's  
8 Hospital of Philadelphia and a Professor of Pediatrics  
9 at the University of Pennsylvania School of Medicine.  
10 For the last 16 years I've been working in the city of  
11 Philadelphia and around the State on the problem of  
12 child abuse, and in the last 10 years with a very heavy  
13 concentration on the problem of child sexual abuse.

14                   In Pennsylvania, this problem has  
15 escalated quite dramatically, and in our own experience  
16 where we were seeing about 12 cases of child sexual  
17 abuse per year, we're now seeing more than 30 cases of  
18 child sexual abuse per month. So the numbers have  
19 increased many fold.

20                   In Pennsylvania, in the Child Protective  
21 Services Law Reports from 1989, of the 12,000 cases,  
22 reported cases of child abuse in our State,  
23 approximately 50 percent, or 6,000 cases, were child  
24 sexual abuse, and these merely represent the tip of the  
25 iceberg because these are only the cases that are

1 reported to the Child Protective Service agency and  
2 involve a family member, whereas there are other cases  
3 that involve strangers as alleged perpetrators that  
4 would only be reported to the police.

5 Of those that are reported to the Child  
6 Protective Service agency, more than 4,500 of the 6,000  
7 involve involuntary sexual intercourse or sexual  
8 assault which would be in the realm of touching or  
9 fondling of the child. In the National Incident Study  
10 of 1989 that was done by the Federal government, it was  
11 shown that child sexual abuse involved .9 per thousand  
12 males and 3.5 per thousand females, making it an  
13 extremely widespread problem in our society.

14 There are several reasons that I would  
15 support the passage of Senate Bill 634 in order that  
16 the statute of limitations be extended in these cases  
17 of more, quote, unquote, "minor," that is less physical  
18 perhaps contact but nonetheless serious cases of child  
19 sexual abuse, as well, of course, as the more serious  
20 cases.

21 One thing is that we find in our  
22 experience that disclosure of sexual abuse occurs a  
23 long time after the episode may occur. Some children  
24 do not get around to revealing the problem until months  
25 or years after it has happened to them. And this

1 occurs for many reasons. For one, many of the children  
2 involved in this kind of crime are young victims. Ten  
3 percent of the patients that we see at the Children's  
4 Hospital are less than 4 years old. The statewide  
5 statistics show that an additional 33 percent, so a  
6 total of 43 percent, are children who are less than 9  
7 years old.

8           Of those who are particularly young,  
9 these children do not yet have the ability in a  
10 developmental sense to tell us what has happened to  
11 them. Their sequencing of events, their vocabulary,  
12 their ability to place things in terms of time, that  
13 this happened on this certain day, those abilities are  
14 not developed in children that age and it may take a  
15 year or two or more until they have the ability to look  
16 back and tell us what happened to them.

17           In addition, we know that many children's  
18 sexual abuse encounters start when they are this young,  
19 particularly in the intrafamilial type of sexual abuse,  
20 that the contacts start early and the abuser or the  
21 perpetrator escalates those episodes as time goes on.  
22 So it's important that we would have the ability to  
23 hear from these children across a long period of time.

24           We know that the effects of child sexual  
25 abuse are lifelong, and though an event of sexual abuse



1 may have occurred at one point in time, the child may  
2 have the ability to cover that up, to not allow it to  
3 affect him or her until a later point in time, so that  
4 as the child reaches a point in time where they're  
5 beginning their own sexual awareness, perhaps in the  
6 young teenage years or later, it is only then that past  
7 episodes of abuse will come to their memory and will  
8 interfere with their ability to sexually mature.

9 We know further that incest and  
10 intrafamilial abuse, there may be ongoing contact with  
11 the perpetrator and that this perpetrator may continue  
12 to, although not -- may continue to abuse the child,  
13 but even if they don't continue to abuse the child, may  
14 continue to be a force which will work against the  
15 child's disclosure. And so again, even though an  
16 episode may have occurred several years previously, it  
17 is only when the child gains strength and gains the  
18 ability to function outside the family system that they  
19 will then have the ability to report the abuse to us.

20 The perpetrators that we see are  
21 particularly powerful in their ability to repress this  
22 information by telling the child that they will be  
23 taken away, by telling the child that the family will  
24 be destroyed, by threatening the child physically, by  
25 other forms of intimidation they have the potential to

1 keep this information quiet over a number of years, and  
2 again, an expanded statute of limitations would allow  
3 us to seek the proper remedy to this crime when it  
4 comes to light.

5           Additionally, besides the perpetrator's  
6 power in repressing the information, in some families  
7 there also is a component of the second parent, the  
8 mother, we could use as an example, may be in  
9 complicity with the child sexual abuse or that the  
10 child may have come to her and told her that they were  
11 being abused and yet the mother chooses not to take any  
12 action. And again, this is a force which works against  
13 disclosure and will keep the child from disclosing  
14 until they reach an age and suitable maturity so that  
15 they can speak for themselves.

16           So for all these reasons, I would support  
17 Senate Bill 634. I think we know that the affects of  
18 sexual abuse go on for a long time. We should allow  
19 the victims of this crime a sufficient time to report  
20 to us that the crime has been committed and be able to  
21 take action.

22           CHAIRMAN CALTAGIRONE: Thank you, Doctor.  
23           Cindy, if you would indicate who you are  
24 for the record and provide us with your testimony.

25           MS. MARTELLI: My name is Cynthia

1 Martelli. I'm an Assistant District Attorney in the  
2 Philadelphia District Attorney's Office. I've been an  
3 attorney for 11 years, I've been in the DA's office for  
4 6 years, and I've been a member of the Child Abuse  
5 Unit, specifically I've been the Chief of the Child  
6 Abuse Unit, and I've been working in that capacity for  
7 about 3-plus years now. I have prepared written  
8 testimony here.

9 On behalf of the Pennsylvania District  
10 Attorneys Association, I am here to indicate today my  
11 support for Senate Bill 634 for the following reasons:  
12 As the statute of limitations currently exists, we have  
13 two major obstacles to the successful prosecution of  
14 child abuse cases. Specifically, the first obstacle is  
15 that as it presently reads, the tolling statute doesn't  
16 even apply to sexual assaults against children. The  
17 statute speaks only of injuries to the person caused by  
18 a wrongful act or neglect or unlawful violence or  
19 negligence. Now, we have been able to successfully  
20 argue that this language embraces sexual assaults by  
21 virtue of a sexual assault constituting a wrongful act.  
22 Clearly, the statute applies to physical injuries, but  
23 since there is no specific language targeting sexual  
24 offenses, we've had to make this argument. And while  
25 we have been successful in convincing our courts that

1 the statute does apply to sexual offenses, it's often  
2 been a very arduous and uphill battle to convince some  
3 of our judges of this.

4 And we argue again that injuries to the  
5 person constitutes not just physical injuries, injuries  
6 that you can see on the child's body, but injuries  
7 internally, emotionally, and mentally to the child  
8 which are caused by sexual assaults.

9 After we overcome that obstacle, then we  
10 have a second obstacle, which is we have to establish  
11 that the perpetrator is either a parent, a person  
12 responsible for the child's welfare, an individual  
13 residing in the same home, or a paramour of the child's  
14 parent. Now, in a lot of the cases it's very clear,  
15 like a parent or mommy's boyfriend or something like  
16 that or an adult who resides in the home, mommy's  
17 brother. Again, somebody who clearly falls within the  
18 statute. But unfortunately, unless that situation  
19 exists, we have a very difficult time in establishing  
20 that any other adult would be a person responsible for  
21 the child's welfare.

22 For example, what do you do in a  
23 situation where you have a visitor to the home, an  
24 adult visitor, an adult family member who is not, per  
25 se, responsible for the child's welfare but visits the

1 child and might even take the child out on an excursion  
2 and bring it back in an hour or two and during that  
3 period this adult sexually molested that child? This  
4 is not a person, according to our courts, who is  
5 responsible for the child's welfare.

6 We've had situations where grandmom's  
7 boyfriend, who is a grandfather figure to the child but  
8 isn't actively involved in the child's well-being on a  
9 day-to-day basis, will sexually molest the child, and  
10 the courts have held, no, that's not a person who's  
11 responsible for the child's welfare. Similarly with  
12 friends of the family, similarly with neighbors. The  
13 courts refuse to hold that these people are responsible  
14 for the child's welfare.

15 We have made the argument that any adult  
16 who takes a child away from the custody of his parent  
17 or rightful guardian for a short period of time and  
18 then brings that child back, we have argued that that  
19 person is a person responsible for the child's welfare.  
20 Our courts are not buying it. And the reason for that,  
21 I believe, is that because of the context in which that  
22 phrase occurs.

23 As I stated in my testimony, it is placed  
24 in the middle of the other nouns from which it takes on  
25 its coloring and hue; i.e., parent, paramour of parent,

1 person living in the household. Obviously, granddaddy's  
2 figure who visits occasionally or neighbor who lives  
3 next door and sees the child occasionally doesn't  
4 constitute a parent or a paramour or anybody of that  
5 ilk. So the courts have rejected that, and as a  
6 result, in many cases we've had children who have been  
7 molested by other adults in their lives and these cases  
8 are not actionable if the child does not disclose in a  
9 timely fashion.

10 Which brings me to the next point, as Dr.  
11 Ludwig has already told you. Children simply don't  
12 disclose this at the outset of the abuse. There are a  
13 lot of factors that inhibit the child's ability to  
14 tell. One, and I think the first and foremost thing  
15 that we certainly can't lose sight of is that children  
16 are children and as such they're taught to be  
17 subservient, polite, obedient and respectful of their  
18 elders. They don't have the emotional, mental, and  
19 educational skills to take control in a situation, to  
20 act responsibly and to act logically and to say, okay,  
21 this thing is wrong so I'm going to put a stop to it.  
22 Kids don't know how to do that. As a result of which,  
23 they take no action.

24 And then we have a whole other panoply of  
25 factors that come into play, such as the subtle, overt,

1 and covert influences that prevent a child from  
2 telling. If it's an intrafamilial situation, the child  
3 is torn between feelings of love for the parent and  
4 dislike for what the parent is doing. Some children  
5 don't know it's wrong if daddy starts off teaching them  
6 at a very early age through this gradual escalation  
7 that Dr. Ludwig has already mentioned. They don't know  
8 it's wrong until they get to a certain age, and by that  
9 time, three, four, five, maybe seven years have passed.  
10 And we have a two-year and a five-year statute of  
11 limitations applicable to these crimes. The two-year  
12 statute of limitations is applicable to misdemeanors,  
13 the five-year is to felonies. And not infrequently we  
14 have kids who simply will not disclose within a  
15 two-year period of time. It's just too short a period  
16 for the child to have assimilated all this trauma and  
17 to have become strong enough to take a stand against  
18 it.

19 We frequently have a situation where a  
20 child will tell between the two years and five-year  
21 period, and this is what is very problematic to our  
22 prosecution of these two cases. We are left in a  
23 situation where we've got the felony, we have a rape or  
24 an IDSI, an involuntary deviate sexual intercourse, but  
25 we don't have anything else. We don't have corrupting

1 the morals of a minor, we don't have indecent assault,  
2 we don't have indecent exposure, we don't have any of  
3 those misdemeanors. So we have to go to court with  
4 everything or nothing, and we're totally taking away  
5 from the jury or the judge, the factfinder, any  
6 possibility of a compromised verdict. And in many of  
7 these cases judges and juries will say, well, something  
8 went on here, we're not sure exactly what. We believe  
9 the child was sexually abused in some way, but we can't  
10 say beyond a reasonable doubt that it was rape, i.e.  
11 penetration of the vagina by a penis; or IDSI,  
12 penetration of the mouth or the anus by a penis, we  
13 can't say that beyond a reasonable doubt, so we have to  
14 say "not guilty." And the kids are traumatized by  
15 this. It's a further trauma to them after what they've  
16 already suffered.

17 This is a situation that we've had not  
18 infrequently in Philadelphia, at least, and I can give  
19 you two specific examples that just happened very  
20 recently. We had a ballet teacher who was accused of  
21 sexually molesting one of her students, and this child  
22 was so traumatized by what happened and so seduced by  
23 the dream of being a famous and beautiful ballerina,  
24 which her ballet teacher told her she could be because  
25 she had such great potential, that this child blocked



1 and inhibited what had happened before, and it happened  
2 when she was 7 and 8. The child did not disclose until  
3 she was 12, just within the statute of limitations for  
4 involuntary deviate sexual intercourse. We had the  
5 five-year period. We lost all the indecent contact  
6 charges because she hadn't reported within two years.

7 We went to trial and it was a very high  
8 profile case because the ballet teacher supposedly had  
9 connections to the mafia and had a very high-powered  
10 lawyer, and the judge basically believed this child but  
11 there was something that wasn't right. There was a lot  
12 of other things that were problematic with the case and  
13 it was a "not guilty," and after what this child went  
14 through in terms of her therapy and her healing process  
15 and having to disclose and relate in a court of law,  
16 and it was a packed courtroom because the whole  
17 community showed up in support for this famous ballet  
18 teacher, and the "not guilty" was very devastating for  
19 this child. I think if we had misdemeanors in that  
20 case we would have gotten a conviction on something.

21 Similarly, we had a case with grandmom's  
22 boyfriend, who was the grandfather figure to a little  
23 girl, and he takes her out of the house one day on a  
24 normal outing -- in fact, her name was Cindy, her  
25 mother's name was Cindy, and her therapist was Cindy,

1 and I had the case two years ago when I was in the unit  
2 and my name is Cindy, so any time anybody said,  
3 "Cindy," we all turned our heads and said, "Which one  
4 do you want?"

5 But what happened in that case, again,  
6 the child did not disclose until after the two-year  
7 period had run for misdemeanors and we were left with  
8 one charge - rape - and nothing else. And granddad  
9 came over, or the grandfather figure came over, took  
10 the girl out of her house to his trailer for a normal  
11 outing, he did this routinely once a week, a couple  
12 times a week, but the court found, one, he wasn't,  
13 quote, "a person responsible for the child's welfare,"  
14 so I lost all my misdemeanors. We went to trial and it  
15 was a hung jury, and right now even as we speak it's  
16 being retried again, so I can't tell you what the  
17 outcome is going to be, but it's a very difficult case  
18 because the only evidence we have is the credibility of  
19 the child, her word against his word. And the jury  
20 that I tried had a very difficult time in understanding  
21 how come this is so long ago? How come it happened  
22 such a long time ago? And why do we only have one  
23 charge? If you had given us something else, maybe we  
24 could have compromised on it, but we couldn't say  
25 beyond a reasonable doubt that it was rape.

1           So for those reasons, for all the factors  
2 that work at inhibiting disclosure in children for  
3 many, many years, and again, I can't stress too much  
4 that the routine is that kids don't tell immediately.  
5 When we have a case where a child is touched improperly  
6 and immediately runs home and tells mommy, we're  
7 ecstatic. It just doesn't come down the road that  
8 often. The norm is children who tell a year, 2 years  
9 or even 5, 10 years or more because they simply can't  
10 deal with it, they need therapy and counseling to get  
11 strong enough to handle it.

12           So I support this statute. I think it  
13 corrects a lot of the problems that currently exist  
14 with the tolling provision and it would allow us to  
15 revive prosecution of misdemeanors and felonies of  
16 children who just can't tell and don't tell for a  
17 considerable length of time.

18           CHAIRMAN CALTAGIRONE: Thank you.

19           You have a question?

20           REPRESENTATIVE HECKLER: Thank you, Mr.  
21 Chairman.

22           BY REPRESENTATIVE HECKLER: (Of Ms. Martelli)

23           Q. I have just a couple of questions about  
24 the language of the bill, and I assume that you have a  
25 copy available?

1           A.    Um-hum.

2           Q.    One, it's been suggested that the newly  
3           created crime of aggravated indecent assault be added  
4           to the list of offenses which the commission of which  
5           would result in tolling the statute, or whatever. I'm  
6           not stating it properly. I assume that you wouldn't  
7           see any reason, from a prosecutor's perspective, that  
8           that should not be included?

9           A.    Well, I looked at the phrase "indecent  
10          contact" to embrace, one, indecent assault and  
11          aggravated indecent assault. It's sort of assumed  
12          under the same umbrella, which is why I thought you did  
13          it that way. Certainly if you wanted to specify both  
14          those two charges, I think that would be appropriate.

15          Q.    Okay. A second question. I was kind of  
16          put off by the wording of the language that's presently  
17          in law. You know, it seems to me that if you were  
18          starting out to write the concepts you might write them  
19          a little bit differently and more succinctly, but when  
20          we start out with the language "a child is under the  
21          age of 18 years," in the language that's presently in  
22          the law, we are then told who the child is. "Where the  
23          crime involves injuries to the person of the child,"  
24          and then of course there's the connection with the  
25          child's parent. I don't see any similar connective

1 language in 4, in the language that this bill would  
2 add, and I'm wondering if we need to make clear, and  
3 again, it's just a nitpicky lawyer kind of thing, but  
4 that we need to make clear that the child who is under  
5 the age of 18 years is indeed the child who is the  
6 victim of one or more of these crimes. That's  
7 implicit. Obviously, that's what's intended, but I  
8 just wonder if we need to clean that up, and if you  
9 have any thoughts about it as somebody who's going to  
10 have to make use of our handiwork if we succeed in  
11 getting this done?

12 A. I think certainly we'd like to see  
13 specific language and anything that's expressed is then  
14 not subject to interpretation. Perhaps if you were to  
15 word something like, "a child is under 18 years of age  
16 and is a victim of any of the following crimes," and  
17 then list the crimes.

18 Q. Thank you. Counsel Woolley, just as we  
19 were sitting here, came up with language, "a child is  
20 under 18 years of age and where the child is a victim  
21 of a crime involving incest," and then the rest of the  
22 list. Okay. Great. So that that was the only concern  
23 I had.

24 REPRESENTATIVE HECKLER: Other than that,  
25 Mr. Chairman, I would agree. Although my prosecutorial

1 experience is getting ever more dimly into ancient  
2 history, I can remember a couple of cases, one that I  
3 was relating to you during the recess involving a  
4 family of a number of daughters, each of whom had been  
5 victimized during a particular window of their lives,  
6 and we were able to prevent the victimization of the  
7 last daughter because the eldest daughter finally was  
8 able to break through and acknowledge what had happened  
9 and then confirmed that each of her sisters had been  
10 victimized during a period of their lives. And there's  
11 no question that this goes on and that it frequently  
12 comes to light later.

13           There are, I don't think we should be  
14 under any illusions that there will be many cases that  
15 will be hard or impossible to prosecute, even though we  
16 get the statute of limitations out of the way just  
17 because of the proof problems involving cases 10 or 15  
18 years in the past, but there are certainly, and that's  
19 the case I always think of. That was a situation in  
20 which we were able to prevent, within which we were  
21 able to help the girl who was presently the victim  
22 acknowledge what was happening to be a witness, but  
23 there are other situations in which that won't happen  
24 but the perpetrator will be a danger to the community  
25 as a whole, and so I certainly urge that we do move

1 forward with this legislation, having cleaned up any  
2 possible ambiguities.

3 Thanks.

4 CHAIRMAN CALTAGIRONE: Thank you.

5 I want to acknowledge Representative  
6 Hagarty for the record has joined us.

7 REPRESENTATIVE HAGARTY: Excuse my  
8 lateness. My car did not cooperate today.

9 CHAIRMAN CALTAGIRONE: Are there any  
10 other questions from members or staff?

11 (No response.)

12 CHAIRMAN CALTAGIRONE: I want to thank  
13 both of you for taking the time out of I know very busy  
14 schedules to testify before us today, and I would hope  
15 that if we do get a quorum tomorrow, and I know it's  
16 kind of different calling for a meeting on Friday, but  
17 I wanted to try to get some of this legislation,  
18 including this bill, ready for action next week. If  
19 we're able to get the bill out, we'll do it tomorrow.  
20 If not, we're certainly going to do it off the floor  
21 ultimately on Monday, so that before the session ends I  
22 would hope we could get this piece of legislation into  
23 law. And that's the total if we get the cooperation,  
24 hopefully, of the leadership, we're certainly going to  
25 do our best to get that on the books.

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And I want to thank you. That will  
conclude our hearing for today.

(Whereupon, the proceedings were  
concluded at 12:45 p.m.)



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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause, and that this is a true and correct transcript of the same.

*Ann-Marie P. Sweeney*  
ANN-MARIE P. SWEENEY

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Ann-Marie P. Sweeney  
536 Orrs Bridge Road  
Camp Hill, PA 17011  
717-737-1367