

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 826

Session of 1993

INTRODUCED BY BIRMELIN, M. COHEN, BAKER, FAIRCHILD, MERRY, STABACK, BUSH, ARMSTRONG, BELFANTI, DeLUCA, J. TAYLOR, GIGLIOTTI, CLYMER, DALEY, SCHULER, E. Z. TAYLOR, NICKOL, SCHEETZ, TULLI, CLARK, TRELLO, LEH, TOMLINSON, MICHLOVIC, STERN, TANGRETTI, FLICK, MELIO, BROWN, BARLEY, CIVERA, GEIST, KASUNIC AND COLAFELLA, MARCH 22, 1993

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 22, 1993

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, providing for unlawful persuasion and  
3 false reporting of child abuse.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 23 of the Pennsylvania Consolidated  
7 Statutes is amended by adding sections to read:

8 § 6320. Unlawful persuasion.

9 An adult who intentionally and knowingly causes or persuades  
10 a child to make an allegation of child abuse which the adult has  
11 no reasonable grounds to believe is true commits a misdemeanor  
12 of the second degree. If the adult has the malicious intent to  
13 expose the alleged child abuser to public hatred, contempt or  
14 ridicule or to criminal investigation, the offense is a  
15 misdemeanor of the first degree.

16 § 6321. False reporting.



HOUSE OF REPRESENTATIVES  
DEMOCRATIC COMMITTEE

BILL ANALYSIS

BILL NO. HB 826  
COMMITTEE: Judiciary

P.N. 889

SPONSOR: Birmelin  
DATE: March 19, 1993

Proposal: To amend the Domestic Relations Code to add the offenses of unlawful persuasion and false reporting. The offenses relate to the intentional persuasion of a child into making a false report of child abuse and the false reporting of such abuse.

Existing Law: At present, there is no law of the Commonwealth relating to such offenses. § 6303 of the Domestic Relations Code does define child abuse as the serious physical or mental injury which is not accidental, sexual abuse, sexual exploitation or serious physical neglect of a child under 18 years of age.

Analysis: HB 826 initially refers to the persuasion of a child to make a report of child abuse. HB 826 would make it a misdemeanor of the second degree to intentionally cause a child to make an allegation of abuse which the adult reasonably knows to be false. If the adult's persuasion of the child is furthered by a malicious intent to expose the person to hatred, contempt, ridicule or to a criminal investigation, the offense is a misdemeanor of the first degree.

Furthermore, the false reporting of child abuse by one who has reasonable grounds to know the report to be false, commits a misdemeanor of the second degree. Again, when malicious intent is included, the offense rises to a misdemeanor of the first degree.

The new provisions are to be codified as § 6320, "Unlawful persuasion" and § 6321, "False reporting".

This act shall take effect in 60 days.

Prepared by: Hugh J. Mallet, Legal Intern  
House Judiciary Committee

Handout #2

~~(S. 1)~~  
2201 PENNSYLVANIA AVE  
PHILADELPHIA, PA 19130  
TELEPHONE 563-5563

July 18, 1989

re: Matthew Dehr

HONORABLE WILLIAM NICHOLAS  
COURTHOUSE  
MORRISTOWN, PA. 19401

Daniel Dehr

Joshua Dehr

Zachary Dehr

945 Village Lane  
Saratoga, PA 19464

RE JUDGE NICHOLAS

The above named boys were seen by me on July 15, 1989. I stated to them that they were being seen by me to see if there was anything in their life that they were unhappy about, to see if we could change it. The three oldest boys nodded and began to tell of "weird games" they are forced to play with Courtney, the mother's boyfriend.

1. Chase the Dick: They cut out of paper a shape to resemble a penis and place it to the front of their clothes. The rest of them try and grab it off. Dan stated "He pulled my dick and stuck his finger up my butt". Dan added "He sticks his finger up my butt". He also said "He plays with my privates and he plays with Zachary's privates, too".

2. Pick the Butt: This game is described as Courtney sticking his finger in their "butts". When it was first mentioned by the older boys, the youngest fell over in his chair and said "Courtney, Pick the Butt" and pointed to his privates.

The three older boys said there are other "sick games", too, but they did not know the names of them.

The boys further complain that Courtney is rough with them. He drags them out of their room by the throat, hair, arm, or ear.

I asked if they had tried to tell their mother. The three oldest said they had. Matt said she doesn't listen. She said I'm busy, go away. Daniel said she told him to go away. Joshua couldn't remember what she said. They state that the games are when mother is out, either grocery shopping or at work. Matt states they happen almost every day, but not every day. I asked if anyone else played these games with them, and they said no. They say they ask Courtney to stop but

Page 2:

re: Matthew Dehr  
Daniel Dehr  
Joshua Dehr  
Zachary Dehr

won't.

I called the father and paternal grandmother into the room, where the boys  
eated their information to them.

Subsequently, I called the Child Abuse Hotline.

*Olivia Cooper AD*

Olivia Capers, M.D.

2201 PENNSYLVANIA AVE  
PHILADELPHIA, PA 19130

TELEPHONE 563-5583

July 24, 1989

Re: William Nicholas  
use  
WN, PA 19401

re: Matthew Dehr dob: 07/06/80  
Daniel Dehr dob: 05/20/82  
Joshua Dehr dob: 03/16/84  
Zachary Dehr dob: 10/20/86

Re: Nicholas,

This is a follow up to my letter of July 18, 1989.

I have seen the Dehr boys on July 19, 1989 and July 22, 1989. On the 19th I asked them if they could describe further any of the games that they had said they played, they reported playing with their mother's boyfriend.

With much embarrassment they indicated there were two or three more. The first mentioned was "Beat the Dick", which is played in the bathtub. Courtney sits in the tub with the three youngest boys. They kick or beat each others genital until he has to pee", which he does in the tub. After that he gets up and dries off to get ready for work. Daniel further states that his and Joshua's genitals get smaller and smaller. Daniel reports that this activity is a lot. Joshua does not report any pain.

The next mentioned so-called game was "Suck the Dick". Daniel and Joshua report that they and Zachary have performed this on Courtney, and also on the other. Daniel describes the position: "One person stands and the other person kneels". Joshua described the activity: "You put your mouth on the penis". Matthew continues to maintain that he has never played these games, but he states, however, that he saw Daniel perform this on Courtney one month ago. He adds that he has also seen the other boys do it to Courtney. He states that Courtney has tried to get him to be involved, and he has refused. He wistfully states that he stays "grounded" much of the time because of his refusal, while Daniel and Joshua are not. Daniel states that Courtney tells him he will be grounded for four weeks if he does not play the game. Matthew states he is threatened with three weeks of grounding for not participating.

I wanted you to be aware of this information. If I can be of further assistance, please feel free to contact me.

Sincerely,

*Olivia Capers M.D.*

Olivia Capers, M.D.  
Board Certified Child Psychiatrist

has

EXHIBIT "C"

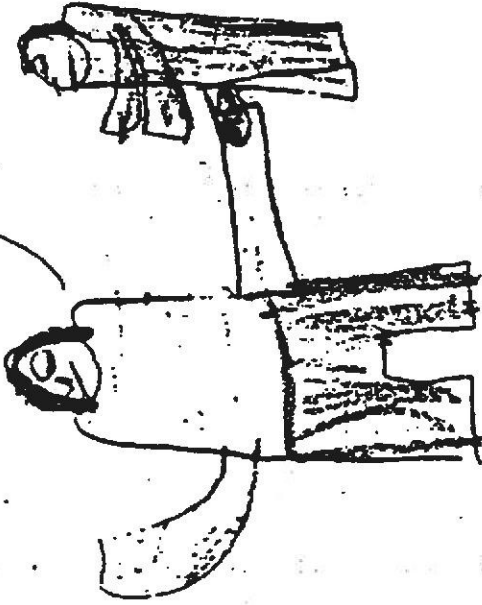
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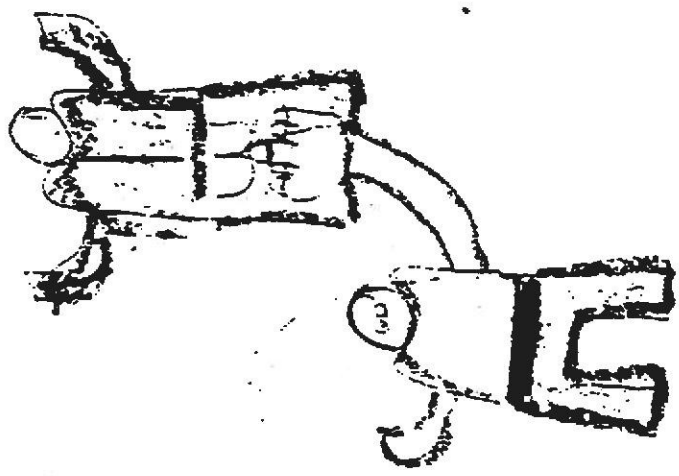
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Dan's Dick

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