

KAREN A. RITTER, MEMBER

PLEASE RESPOND TO:

425 ALLENTOWN DRIVE
ALLENTOWN, PENNSYLVANIA 18103
PHONE: (215) 437-0968
FAX: (215) 437-0153

HOUSE POST OFFICE BOX 98
ROOM 4B, EAST WING
MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120-0028
PHONE: (717) 787-5782
FAX: (717) 783-3554



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

DEPUTY MAJORITY WHIP

COMMITTEES

HEALTH AND WELFARE
CHAIR, SUBCOMMITTEE ON WELFARE
JUDICIARY
MEMBER, SUBCOMMITTEE ON CRIME
AND CORRECTIONS
AGING AND YOUTH
MEMBER, SUBCOMMITTEE ON YOUTH
FEDERAL/STATE RELATIONS
MAJORITY POLICY

LEGISLATIVE BUDGET AND FINANCE
COMMITTEE

CHILDREN'S TRUST FUND BOARD

Remarks of State Rep. Karen Ritter
Wednesday, September 1, 1993
House Judiciary Committee Hearing Re: H.B. 160

House Bill 160, which was introduced in February of this year, proposes major changes to the current sexual offenses law.

It has been 20 years since we last comprehensively reviewed these laws. In that time, we have learned a great deal about the nature of sexual assault and abuse. So, it is certainly time that we update our laws--to bring them in line with the things we know and understand about the nature of these crimes.

The increased reporting of attacks and abuses has focused much attention on the prosecution of a case; and we have seen played out, in courtroom after courtroom, some of the inadequacies of our laws.

This legislation, requested by both prosecutors and victims, reflects our new attitudes and thoughts on sexual assault. Many of the changes I am proposing will protect victims of sexual assault from being victimized a second time in the courtroom. Additionally, this bill provides greater protection for child victims. We need to change the manner in which we handle child victims in the prosecution of a case, by making accommodations for their unique circumstances.

This legislation was introduced in the previous session, but it has been substantially changed since then. Prior to its initial introduction in the 1991-92 session, the bill had actually been in the works for about ten years. P.C.A.R.--the Pennsylvania Coalition Against Rape--had done quite a bit of research on laws in other states, as well as discussing with prosecutors and other law enforcement folks in Pennsylvania the deficiencies in our laws.

Since the introduction of the first bill in January of 1992, we have continued to do more research and talk to many

other people involved in law enforcement. One of the most helpful sources has been Attorney General Ernie Preate's office, especially Fran Cleaver and her staff. The Attorney General's office was particularly helpful in suggesting excellent modifications to the bill, which has resulted in making it much more efficient and effective. House Bill 160, as it was introduced in February, reflects those modifications.

I have attached to my testimony a short summary of the major changes to the sexual offenses statutes in Title 18, Title 23 and Title 42 proposed by this legislation, as well as some newspaper articles and editorials which appeared across the state.

The major change proposed by this bill involves renaming the crimes of rape, involuntary deviate sexual intercourse (IDSI) and aggravated indecent assault under the category of "sexual assault." This was done by defining a "sexual act" to include all of the activities currently defined under those crimes, and then defining "sexual assault" as occurring "when the defendant engages in a sexual act with another person by forcible compulsion, or threat of forcible compulsion."

The other major change that is being hailed by prosecutors as a long-needed change that will help them get more convictions and with more serious penalties is the fact that there will be two classes of sexual assault: sexual assault and aggravated sexual assault.

I just defined sexual assault. Aggravating circumstances, which would make the charge "aggravated sexual assault", are defined to apply when the defendant:

- (1) is armed with a weapon, or object fashioned so as to lead the victim to believe it to be a weapon, and threatens by word or gesture to use the weapon or object;
- (2) inflicts serious bodily injury upon the victim or anyone else in the course of committing the offense;
- (3) commits the sexual act during the commission or attempted commission of any other felony (such as kidnapping);
- (4) commits the act upon a victim who is mentally disabled, mentally incapacitated or physically helpless;
- (5) serves in a position of authority in respect to the victim;
- (6) is a family member of a victim under 18 years of age; or
- (7) if the defendant and one or more other persons engage in a sexual act with the victim.

Aggravated sexual assault will be a first-degree felony; sexual assault will be a second-degree felony.

Now, some people have looked at that two-tier penalty and decided that this bill is bad for people who are victims of what is commonly called "date rape" or "acquaintance rape", because the penalty is lower, if no aggravating circumstances are present, than the first-degree felony penalty which currently applies to rape.

On the contrary, however, the bill--which has the full support of P.C.A.R.--shows that we consider "acquaintance rape" to be a more serious crime than simple assault, which is what--if the charges are even filed by the prosecutor--it is often plea bargained down to.

Acquaintance rape cases are very difficult to prosecute because of the severe penalty and the jury's propensity to look for weapons, serious injuries, etc., in order to convict. As a prosecutor who testified in favor of the bill at a Judiciary Committee hearing in the last session said, this change will enable more sexual assault victims to "get justice", because it will ensure that their assailants are convicted of a more serious crime--and one that makes them guilty of a sexual offense, rather than simple assault.

The public's perception is that "date rape" or "acquaintance rape" really isn't a sexual assault--this law will show that that perception is wrong.

Other major changes include:

(1) Elimination of the charge of "spousal sexual assault." Up until 1984, the law said you couldn't sexually assault your spouse. In 1984, the law was changed; but spousal sexual assault, regardless of whether or not a weapon is used or other serious bodily injury is inflicted, is currently a second-degree felony, just like incest. In other words, current law in Pennsylvania says that it's a lesser crime to sexually assault a family member than it is to sexually assault a stranger. We think it's more appropriate to base the punishment on the nature of the assault or the age of the victim, rather than on the relationship of the victim to the defendant. Therefore, this bill would treat spousal sexual assault the same as any other sexual assault.

(2) There is a section in the bill (Section 3109) called "Condition Constituting Incapacity to Consent." This section says that prosecutors would not be required to prove that forcible compulsion was used to commit the sexual assault if

the victim was 13 years of age or younger. This establishes a minimum "age of consent" for most sexual assaults that does not now exist. In fact, there have been court cases holding that children as young as nine years old are capable of consenting to sex; and, therefore, the prosecutor must prove that, for example, the ten-year-old victim did not consent to sexual activity with his or her father, because there is no "age of consent" for incest in our current law.

This legislation says that children 13 years of age and younger are not capable of consenting to sexual acts and, therefore, that the prosecutor does not have to prove that the victim did not consent to the activity charged. It doesn't change the penalties or the circumstances for charging these crimes, it doesn't say that all children 14 years old and older are going to be considered automatically capable of consent or to have consented to a particular act--the only thing that will change will be the burden of proof on the issue of consent. Children aged 14, 15, 16 and older will still be able to prosecute sexual assailants who use forcible compulsion, which includes intellectual, moral, emotional or psychological force, or physical force.

Some of the members of this Committee have expressed to me concerns that 14 is too young for this "age of consent." As I said several times during the last campaign, when my opponent continually harped on this issue, the Attorney General and I chose age 14 because we felt that it was a minimum age--that no one would argue that it should be lower. Also, since it is my understanding that this state recognizes common-law marriages made by 14-year-olds, and since the statutory rape law has used 14 as the "age of consent", we felt that that age would provide some consistency under the law.

However, as I also said several times during the campaign, if there is a consensus that the age should be higher, I will support that. I have no problem with whatever age this General Assembly decides is appropriate. You need to remember, however, that, since we have eliminated the requirement for the defendant to be 18 or older (as in the current statutory rape law), we could have some 14-, 15- or 16-year-old boys facing first-degree felony sexual assault charges for having consensual sex with their girlfriends, if the girlfriends are under the threshold age.

(3) We've created a new crime: "sexual exploitation of a child", which is procuring a child for purposes of engaging in sexual activity with another person, and has a penalty of first-degree felony. This is to deal with situations such as children being given to someone for use for sexual activity in exchange for drugs, money, etc., that are often separate and apart from pornography rings or prostitution.

After discussions with my local prosecutor of sex crimes and a police officer who deals with child sexual abuse cases, a suggestion has been made to rename this crime as "sexual procurement of a child" and divide it into two levels--a first-degree felony and a second-degree felony (for forcing the child to perform different types of sexual acts). We would then add another crime called "sexual exploitation of a child", which would apply to those persons who knowingly allow (or force) a child to watch any sexual act, whether live or on videotape, and would be a third-degree felony. This is not intended to apply to those parents whose children accidentally walk into their bedrooms, but to those parents who, as part of a pattern of sexual abuse--or the beginning of such a pattern--force their children to watch them or other persons having sex.

(4) Incest has been redefined to cover only knowing and consensual sexual activity between relatives and is, therefore, reclassified as a misdemeanor. This would force prosecutors to charge any sexual victimization of a child under Chapter 31, as a sexual assault. This would guarantee that all sexual offense cases are governed by the special provisions contained in Chapter 31, such as the rape shield law, etc. It would also guarantee that the penalty for sexual assault of a minor family member would be increased from its current level, to have the same penalty as sexual assault of a minor who is a stranger.

(5) Several changes would make it easier for child victims or witnesses to testify in court. The major change addresses the competency of child victims or witnesses to testify. Some court rulings have declared a child to be considered incompetent to testify, unless otherwise proven, if the child is below age 14. This is particularly ironic in view of the cases that have held that children as young as nine years old can be considered competent to consent to sexual acts, as I mentioned earlier.

This means you could have, for example, a ten-year-old child who the court might consider old enough to consent to the sexual act being charged, if that's part of the defense; and so the prosecutor would have to prove lack of consent in order to get a conviction. Yet, that same youngster would have to be proven competent to testify about that act in court, because the court would presume the child is not competent to testify.

This legislation would deem child victims of sexual assault, abuse or neglect competent to testify, unless proven otherwise. Prosecutors and police officers who work with child victims say this could save most children as much as a full day in court.

(6) In cases where the criminality of the conduct depends on the child victim being below a certain age, including producing

or distributing child pornography, this legislation would eliminate as a defense the defendant's ignorance of the child victim's age, misrepresentation of the child's age by the child, or the defendant's belief that the child was older. In the case of child pornography, the age for a child to participate in pornography would be raised from 17 to 18.

(7) This legislation would also set the statute of limitations for all sexual offenses at five years. Currently, some offenses are five years and some are two years. All statutes of limitations for these crimes would not begin until a child victim reaches age 18.

Those are the highlights of this legislation. We can make significant and meaningful changes to these laws and protect the victim without trampling on the rights of the accused. In fact, as I said, a lot of the changes that have been made since the original introduction are intended to address concerns expressed by the Defenders' Association and the A.C.L.U. in their testimony at the Judiciary Committee hearing in the last session.

I am not suggesting we throw out our whole body of law on sex crimes. Rather, I am suggesting we base our laws on what is proven, and not what is mythical. Sex crimes are unique, on the one hand, in that the violation a victim feels is all encompassing. Yet, they are no different from any other crime, in that the criminal should be punished and the victim should be protected.

This bill is intended to see to it that sexual offenders are adequately punished, and that their victims are not subjected to further victimization by the criminal justice system.

KAREN A. RITTER, MEMBER

PLEASE RESPOND TO:

425 ALLENTOWN DRIVE
ALLENTOWN, PENNSYLVANIA 18103
PHONE: (215) 437-0968
FAX: (215) 437-0153

HOUSE POST OFFICE BOX 98
ROOM 4B, EAST WING
MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120-0028
PHONE: (717) 787-5762
FAX: (717) 783-3554



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

DEPUTY MAJORITY WHIP

COMMITTEES

HEALTH AND WELFARE
CHAIR, SUBCOMMITTEE ON WELFARE
JUDICIARY
MEMBER, SUBCOMMITTEE ON CRIME
AND CORRECTIONS
AGING AND YOUTH
MEMBER, SUBCOMMITTEE ON YOUTH
FEDERAL/STATE RELATIONS
MAJORITY POLICY

LEGISLATIVE BUDGET AND FINANCE
COMMITTEE

CHILDREN'S TRUST FUND BOARD

HOUSE BILL 160
RECODIFICATION OF PENNSYLVANIA'S SEXUAL OFFENSE STATUTES

This legislation proposes major changes to current law pertaining to sexual offenses. The legislation will provide for physically assaultive and coercive sexual offenses, create several new criminal offenses, provide further protections for children, clarify existing terminology, create several new definitions, and make the law gender neutral.

Specifically, proposed changes are summarized as follows:

DEFINITIONS

The crimes of rape, involuntary deviate sexual intercourse, and aggravated indecent assault have been re-defined as "sexual assault," which is defined as occurring "when the defendant engages in a sexual act with another person by forcible compulsion, or threat of forcible compulsion." "Sexual act" is defined to include "vaginal intercourse, cunnilingus, fellatio, or anal intercourse between persons; or insertion of any part of a person's body, or a foreign object, in another person's genitals or anus for any purpose other than good faith medical, hygienic or law enforcement procedures; or any sexual act with an animal by the victim upon the defendant's instruction." In addition, "aggravating circumstances" has been defined to apply when the defendant is armed with a weapon, or object fashioned so as to lead the victim to believe it to be a weapon, and threatens by word or gesture to use the weapon or object; inflicts serious bodily injury upon the victim or anyone else in the course of committing the offense; commits the sexual act during the commission or attempted commission of any other felony (like kidnapping); commits the act upon a victim who is mentally disabled, mentally incapacitated or physically helpless; serves in a position of authority in

respect to the victim; is a family member of a victim under 18 years of age; or if the defendant and one or more other persons engage in sexual acts with the victim without consent.

The following words and phrases have also been added and defined: consent, defendant, family member, forcible compulsion, intimate parts, mentally disabled, mentally incapacitated, physically helpless, position of authority, sexual conduct, and victim. (Title 18, Section 3101, 3121, 3122)

ELIMINATION OF CERTAIN DEFENSES TO PROSECUTION

The legislation would eliminate as a defense for the assault: 1) the defendant's ignorance of the child victim's age, 2) misrepresentation of the child's age by the child, or 3) the defendant's belief that the child was older, if the criminality of the conduct depends upon the child being below a certain age. However, whenever the aggravating circumstances depend on the victim being mentally disabled, mentally incapacitated or physically helpless, the defendant would have to have had knowledge of the victim's condition. (Title 18, Sections 3102, 3103)

ELIMINATING BAR TO PROSECUTION AND SPOUSAL SEXUAL ASSAULT

Currently individuals can only be charged with conspiracy or spousal sexual assault for the sexual victimization of their spouses. The legislation would eliminate this exception, as well as the spousal sexual assault law, thereby treating offending spouses identically to other offenders under the law. (Title 18, Section 3103)

ADMISSIBILITY OF EXPERT WITNESS TESTIMONY

The legislation would allow for the admission of expert witness testimony in certain circumstances. The prosecution would be permitted to introduce testimony regarding the reasons for sexual assault victims' failure to make prompt complaints. In criminal trials involving child sexual assault victims, the prosecution would be permitted to introduce general expert testimony to aid the jury in understanding the behavior of child sexual assault victims. (Title 18, Section 3105; Title 42, Section 5990)

RESISTANCE NOT REQUIRED

Current law simply states that the sexual assault need not be resisted by the victim. This legislation would clarify and strengthen this section of the law, as follows: "The victim need not resist the use of, or threat of, forcible compulsion, nor shall the prosecutor be required to offer proof of such resistance by the victim. Lack of such resistance or submission by the victim shall not constitute consent. Nothing in this section shall be construed to prohibit a defendant from introducing evidence that the victim consented to the conduct in question." (Title 18, Section 3107)

MANNER IN WHICH VICTIM WAS DRESSED

Evidence suggesting that the manner in which the victim was clothed at the time of the assault provoked the defendant would not be admissible. (Title 18, Section 3108)

CONDITIONS CONSTITUTING INCAPACITY TO CONSENT

Prosecutors would not be required to prove that forcible compulsion was used to commit the sexual assault if the victim was under the age of 14. Current statutory law does not contain a specific age of consent for minors regarding sexual activities; however, some Pennsylvania court rulings have placed the age of consent as young as nine years of age. (Title 18, Section 3109)

LIE DETECTOR TESTS

Law enforcement officers or prosecutors would be prohibited from requiring a sexual assault victim to take a lie detector test as a condition for proceeding with an investigation or bringing charges. The victim may request taking the test if she or he so desires. (Title 18, Section 3110)

SEXUAL OFFENSE CHARGES

The terms "rape," "involuntary deviate sexual intercourse" and "aggravated indecent assault" in conjunction with the criminal offenses would no longer be used. "Sexual assault" would replace these terms.

To distinguish between assaults involving physical force and other aggravating circumstances from coercive assaults, the crime of "aggravated sexual assault" was added. This crime is a first-degree felony. This charge would be brought in cases where an aggravating circumstance (see definition) is present during a sexual assault.

The crime of sexual assault would be classified as a second-degree felony and would be charged in circumstances other than those outlined in conjunction with an aggravating offense.

The penalty for indecent exposure when children under the age of 14 are present is increased from a second-degree misdemeanor to a first-degree misdemeanor.

The definition of indecent contact (fondling) has been modified and the penalty has been increased from a second-degree to a first-degree misdemeanor if the victim is mentally disabled, mentally incapacitated or physically helpless and does not consent. First-degree misdemeanor charges would still apply if the victim is under the age of 14 and the defendant is an adult.

A new crime has been created: sexual exploitation of a child (procuring a child for purposes of engaging in sexual activity with another person).

The crimes of statutory rape, voluntary deviate sexual intercourse and spousal sexual assault have been eliminated.

Incest has been redefined to cover only knowing and consensual sexual activity between relatives and is reclassified as a misdemeanor. This would force prosecutors to charge any sexual victimization of a child under Chapter 31, thereby requiring a higher penalty (a first-degree felony for aggravated sexual assault, as opposed to a second-degree felony as is currently charged for incest). This would also guarantee that all sexual offense cases are governed by the special provisions contained in Chapter 31 (rape shield, etc.). (Title 18, Sections 3121, 3122, 3123, 3124, 3125, 4302)

CHILD PORNOGRAPHY

The age of consent for participating in pornography is raised from age 17 to age 18. As to producing or distributing child pornography, the bill will eliminate the defense that the defendant didn't know the child's age. (Title 18, Section 6312)

CHILD VICTIMS/WITNESSES

Before granting continuances in criminal proceedings involving child victims/witnesses, the court must consider any adverse impact a delay would have on the child, as well as any adverse impact on the defendant's right to a fair trial. The legislation also addresses the competency of child victims/witnesses to testify. Court rulings have declared a child to be considered incompetent to testify, unless otherwise proven, if the child is below age 14. The proposed legislation would deem child victims of sexual assault, abuse or neglect competent to testify unless proven otherwise. (Title 42, Sections 5989, 5990, 5991)

STATUTES OF LIMITATION

The statutes of limitation would be five years for all sexual offenses, regardless of felony or misdemeanor status. (Title 42, Section 5552)

Karen Ritter proposes new sex crime laws

By TIM REEVES
Call Harrisburg Bureau 1-8-92

HARRISBURG — East Allentown state Rep. Karen Ritter yesterday proposed a complete overhaul of state law on sexual assault. Sure to be controversial, Ritter's proposal seeks to:

- Prohibit defense attorneys from telling juries how an alleged victim was dressed at the time of a suspected rape or other sexual assault.
- The person's clothing is irrelevant, Ritter said. "Just because you drive a Jaguar doesn't mean you deserve to have it stolen."
- Prohibit defense attorneys from telling juries whether or not the accuser ever

previously had sex with the defendant.

- Make the rape of a spouse no less of a crime than rape of a stranger.
- Prohibit district attorneys from requiring accusers to pass a lie-detector test before they will prosecute.
- Eliminate the word "rape" from the crimes code, replacing it with "aggravated sexual assault" and "sexual assault."

Those terms "are a better indicator of what really happens," said Ritter.

Most sections of the state's sexual assault law are 20 years old, Ritter said yesterday.

"Twenty years ago, society accepted many myths about sexual assault ... every thing from believing it is a crime of sexual passion to believing a person's dress can provoke an attack," said Ritter, D-131st District. Now, she said. "We understand that it is a crime of violence perpetrated by sick individuals, and that victims are not to blame for the attacks."

Accordingly, Ritter said she is attempting to focus state law on the keystone issue: whether or not the accuser gives consent.

"It shouldn't matter" that the alleged victim was drinking, was dressed promiscuously or was walking in the wrong neighborhood, she said.

Under Ritter's proposed definitions, sexual assault would be sexual intercourse by force or compulsion or threat.

It would be a second degree felony, punishable by up to 10 years in prison and a \$25,000 fine.

Please See CRIMES Page A2

controversial," said state Rep. Jeffrey Piccola of suburban Harrisburg, ranking Republican on the state House Judiciary Committee, which will review Ritter's legislation.

"I see where she's coming from, and I don't entirely disagree with her, but as a practical matter, politically, I don't think it's going to pass the Legislature," Piccola said.

"We understand that it is a crime of violence perpetrated by sick individuals, and that victims are not to blame for the attacks."

State Rep. Karen Ritter
sponsor of sex crimes law overhaul

"It was difficult enough to force the compromise to get the spousal sexual assault included in the law," Piccola said. "I don't think the Legislature is ready to take that step."

Ritter's proposed prohibition against telling the jury of the victim's attire also will be controversial.

"There are a lot of people in the

Legislature who think that is relevant," said a House staffer.

Ritter, 36, a member of the state House since 1987, has specialized in issues such as abortion, domestic violence, sexual harassment and sexual assault.

She said the research behind her proposal was conducted primarily by the Pennsylvania Coalition Against Rape. Two representatives of the coalition joined her at a press conference yesterday to announce the legislation.

Ritter's proposal also would:

- Increase the age at which a child is capable of consenting to sex to 14. Courts have set the minimum age for consent as low as 8, Ritter said.
- Increase penalties for sexual assault of minors, and permit minors to take breaks during court testimony.
- Eliminate the crime of "statutory rape" — a person 18 or older having sexual intercourse with someone 13 or younger.

Under Ritter's proposal, it would not matter how old the defendant is. If the alleged victim were 13 or younger, it would be sexual assault.

Ritter, who describes herself as a civil libertarian, said ample protection for defendants would remain.

She said she is attempting to "protect the victim without trampling on the rights of the accused."

Allentown
Morning Call
1-8-92

Phila Inq 1-8-92

Bills to revise Pa. sex-crime laws proposed

By Robert Zausner
Special Reporting Bureau

HARRISBURG — Legislation designed to revamp state law on sex crimes for the first time in two decades, including changes to protect children and rape victims once they get to court, was introduced in the House yesterday.

Rep. Karen A. Ritter (D., Lehigh) said at a news conference that the measure was meant to dispel myths about crimes involving sex and to lift the "veil of secrecy and dirtiness" that has stigmatized victims of these crimes.

"Many of the changes I am proposing will protect victims of sexual assault from being victimized a second time in the courtroom," she said.

Ritter said she sensed support for the legislation and called for hearings before the House Judiciary Committee. However, she acknowledged that the measure might not garner enough support to pass the House this session and might have to be reintroduced in 1993.

The bills would change how courts and attorneys could deal with alleged sex crime victims. It would, for instance, bar prosecutors from making them take lie-detector tests, allow expert testimony to explain why some victims delay before reporting sex crimes, limit the length of testimony by children and prohibit testimony about how a person was clothed at the time of a crime.

Ritter said testimony about a per-

son's attire was unfair and irrelevant if they were ultimately forced to have sex against their will. To think otherwise, she said, is "like saying if you drive a Jaguar you deserve to have it stolen."

Susan J. Cameron, executive director of the Pennsylvania Coalition Against Rape, who accompanied Ritter, said state laws regarding sexual assault had been altered only in piecemeal fashion over the last 20 years and various courts had "muddied the waters" with contradictory decisions.

Ritter's legislation also would remove the charge of rape from current law and replace it with crimes of aggravated sexual assault and sexual assault. Aggravated sexual as-

sault would be a first-degree felony punishable by a maximum of 20 years in prison, the same as rape now is, and sexual assault would be a second-degree felony punishable by up to 10 years' imprisonment.

Ritter said the lesser crime of sexual assault would allow prosecutors to seek felony convictions in cases where the crime lacked aggravating circumstances. Some of those sex crimes are now bargained down to misdemeanor offenses, she said.

She also said that not using the word rape might remove some of the stigma experienced by victims and persuade more to report crimes to authorities.

In one aspect, the legislation would actually loosen current law by elimi-

nating as a crime oral and anal sex between consenting adults who are not married.

Among other things the legislation seeks to do are:

- Increase penalties for a variety of sex crimes, including indecent exposure to children and sexual assault of a minor. Sexual abuse committed three or more times against a child would be a first-degree felony carry-ing a prison term with no chance of parole or probation.

- Set 14 as the age of sexual consent. Ritter said no age was now specified by law, but some state courts had ruled it can be as low as 9 years old.

- Extend the statute of limitations for crimes against children to begin when they turn 18.

1/8/92
~~70~~ Pittsburgh
Post-Gazette

Law changes sought on sexual assaults

By Frank Reeves

Post-Gazette Harrisburg Correspondent

HARRISBURG — A Lehigh County lawmaker proposed legislation yesterday that would bring the first major revision of the state's sexual assault laws in nearly 20 years.

During a Capitol news conference, Rep. Karen Ritter said: "In [recent years] we have learned a great deal about the nature of sexual assault and abuse. We understand that it is crime of violence perpetrated by sick individuals and that victims are not to blame for the attacks."

Under the proposals, which Ritter said had been drafted in consultation with prosecutors and victims-

rights groups such as the Pennsylvania Coalition Against Rape, "aggravated sexual assault" and "sexual assault" would replace the current charge of rape.

Sexual assault would be second-degree felony, punishable up to 10 years in prison and a \$25,000 fine. A person could be convicted of the crime "if he engages in sexual intercourse with another person by forcible compulsion or threat of forcible compulsion."

Aggravated sexual assault would be a first-degree felony, punishable up to 20 years in prison and a \$25,000 fine. Under the proposal, the prosecutors would have to prove not only coercion but also that the defendant had brandished a weapon, inflicted serious bodily injury or threatened the victim with imminent death, serious bodily injury or kidnapping.

Ritter said the two categories were needed to give prosecutors more flexibility in prosecuting rape cases.

The legislative package also would prohibit testimony about what the victim was wearing during an attack.

■ PROPOSED LEGISLATION

Legislator wants wide revision of sex assault laws

By Joe Koscinski
Patriot-News

A Lehigh County legislator has proposed a wide-ranging revision to the state's sexual assault laws, saying the current 20-year-old guidelines are outdated and often discourage victims from pressing their claims in court.

In addition to increasing penalties for sex crimes, Democratic Rep. Karen Ritter also said her proposed revisions would help ensure that sexual assault victims are treated fairly in court.

Ritter's proposal would eliminate the crime rape and replace it with two different offenses — sexual assault and aggravated sexual assault — which she said would give prosecutors options depending on the amount of force used in the incident.

"The problem with it right now is if someone commits a sexual assault without some of these areas of violence — with a gun or if there is an injury — prosecutors are reluctant to charge rape without some of these aggravating circumstances involved," she said.

The option for prosecutors often is to bypass a rape offense and charge a defendant with a misdemeanor assault charge, something Ritter said frustrates victims and sometimes keeps other people with similar circumstances from pressing charges.

Both categories of sexual assault would be classified as felonies, Ritter said, with the aggravated sexual assault carrying the maximum incarceration short of life in prison as a penalty.

Ritter's proposal also would bar testimony about a victim's apparel at the time of an assault, would prevent prosecutors from requiring victims to take lie detector tests before pursuing a case and would make the law gender neutral.

The nation's eyes were focused on sexual assaults during the recent trial and eventual acquittal of William Kennedy Smith, who was accused of raping a Florida woman earlier this year.

Ritter said the televised trial didn't prompt her legislation, which she said is the result of years of work with the Pennsylvania Coalition Against Rape.

Both Ritter and Susan Cameron, the coalition executive director, said that in the 20 years since the last wholesale revision in the state's sexual assault laws, attitudes regarding sex crimes have



Rep. Karen Ritter
Plan would bar testimony

changed drastically and a host of court decision have made interpreting the law difficult.

Cameron said she hoped enactment of such legislation would help standardize treatment of sexual assault cases in Pennsylvania courts because similar cases are sometimes handled differently depending on the location.

She added that "no county is a good county for rape victims" and declined to identify which areas handle rape cases poorly.

In addition to changing sexual assault guidelines, Ritter's legislation would alter provisions dealing with sex crimes in which children are victims.

The legislation would strengthen penalties for sexual assaulting a minor and for defendants convicted of repeatedly assaulting a child sexually.

Ritter also proposed allowing children who testify in court to take breaks and to extend, in some cases, the statute of limitations for children who are victims of a sex crimes.

Under the bill, 14 would be set into law as the age of consent in Pennsylvania and children above that age would be qualified to testify in court.

'Rape' law reforms are long overdue

The changes in Pennsylvania's sex-crime laws proposed by state Rep. Karen Ritter are long overdue. And, credit the Allentown legislator with courage for including a sure-to-be-unpopular proposal to eliminate the crime of "spousal sexual abuse." Her forthrightness on this and other points makes her initiative politically dangerous, but dead-center on target in defending the rights of women.

That attitude, and the laws that cater to it, are barbaric.

The pieces of state law most in need of review are those that are based on old-fashioned, sexist attitudes. Because men made the laws and apply them most of

the time, the result has been prosecution of sexual assault cases that is as harrowing to the victim as the crime itself.

Rep. Ritter, who already has a national reputation as a women's advocate, enhances her record by starting with the premise that laws and other public policy grow from attitudes. What people believe is no business of any legislature, but what laws say is a different matter.

For instance, there is an old belief that women who are assaulted "asked for it" with their choice of clothing. Current law permits defense lawyers to capitalize on this ridiculous notion by questioning victims about their dress. Rep. Ritter would prohibit this line of inquiry. Similarly, she favors protecting assault complainants from having to disclose whether they ever had consensual sex with the alleged attacker. And, Rep. Ritter would forbid prosecutors from demanding that victims take a lie-detector test before they agree to take their cases.

The single most controversial part of her package deals with "spousal sexual assault." Rep. Ritter would make an assault against a wife the same as an assault against a stranger. Few people believe men have a right to batter their wives into doing housework or going to the grocery store, but when the objective is sex, just about anything goes. That attitude, and the laws that cater to it, are barbaric.

Finally, her proposal calls for the term "rape" to be removed from the law in favor of "sexual assault." This is not just a matter of semantics. It used to be standard wisdom that sexual assault was primarily a sexual offense, and rape was different from rapture only by degree. Now, psychologists and experts in criminal procedure recognize that rape is foremost a crime of violence.

Whether all or only some of Rep. Ritter's changes are adopted, the result will be more and easier prosecution of sexual assault cases. That this will be controversial in Harrisburg speaks a great deal about sexism and political power. After all, who could be against an anti-crime measure that puts victims' rights first? The answer: those who believe that the rights of women amount to something less than the rights of men.

Allentown
M.C.

1-9-92



Date-rape case shows need to qualify law

Phila.
Daily
News
3-4-92

Mark McGraw looks like a Ralph Lauren ad: high cheekbones, sleek hair, straight nose, regal and handsome and young. He looks like he should be draped over a library table at an Ivy League university rather than sitting tensely at the defense table.

His accuser is petite and somewhat timid: She could barely be heard in the City Hall courtroom where she described what she said happened on Sept. 15, 1991. She was the picture of innocence: young, unadorned, with no makeup and no jewelry except for a fine gold neck chain.

No matter. She could look like the Blessed Virgin and have no chance of being believed.

It doesn't help that the defendant's father is a Philadelphia icon. Tug McGraw, who sat in the first row throughout yesterday's proceedings, is famous and popular. How could we repay our gratitude for his winning the World Series by convicting his son of rape?

"With his name, the jury will protect him," a man who sat watching the trial said of Mark McGraw.

But that's not the only reason young McGraw will be acquitted.

He'll be acquitted for the same reasons the alleged victim was hesitant, at first, to bring charges against him.

Why was that, asked powerful prosecutor Tariq El-Shabazz during yesterday's proceedings?

"Because I kissed him in my bedroom, I smoked marijuana, and I thought people would think it's my fault," she said.

If she were on the Groucho Marx show, the duck would have dropped from the ceiling. Give that contestant a prize.

This is the case that asks how far can a girl go and still preserve the right to say no? I'm sure the answer will be: not very far.

She drank with McGraw. She invited him back to her Temple University dormitory suite at 3:30 in the morning. She went to sleep with him next to her in her bed.

Well, then, you could almost see some of the middle-aged jurors thinking, *what did you expect?* Some of them wouldn't even look at her.

We've come a long way, baby, but not that far. Society still expects the best of its women and the worst of its men, and if a woman in this situation isn't the Blessed Virgin, she can kiss her credibility goodbye.

The 20-year-old woman testified that she went to sleep after making out with McGraw on her bed, and was later awakened by him putting his penis in her vagina.

"Come on, that's like falling asleep in the middle of dinner," scoffed Harry Dressler, a retired salesman, who came to watch the trial.

"Maybe she didn't like the way McGraw treated her and wanted to get back at him," he said when

asked why the young woman would bring charges if her account wasn't true. Maybe, he said, she thinks she can get some money out of it.

Defense attorney Jack Riley suggested another motive in a question that sent Shabazz rocketing to his feet, shouting an objection. "Do you remember telling anybody that you were upset with the way men had been treating you?" Riley asked, planting the notion of an embittered woman out for revenge.

Stereotype of rape victim complete.

Thank you, Mr. Riley. Common Pleas Judge Jane Cutler Greenspan curiously allowed Riley to continue the irrelevant line of questioning after a long and heated conference at the bench.

Clearly, this is a far more typical date-rape case than the one in-

volving Mike Tyson: The young man appears to be a decent sort and the young girl is "compromised" by her own behavior.

The case challenges entrenched notions about what's rape and who's a rapist — not that handsome boy over there, for sure? — and the law may have to be changed before such prosecutions can succeed.

State Rep. Karen Ritter, a Democrat from Lehigh County, has introduced a bill in Harrisburg that would do just that. The proposed legislation establishes different degrees of rape. Aggravated sexual assault, in which violence or the threat of it is used, would be a first-degree felony. Non-aggravated sexual assault, in which the force is more subtle, would be a second-degree felony.

Says Gail Rawlins, public policy analyst for the Pennsylvania Coalition Against Rape, which drafted the bill: "You're giving the prosecutors a little more to work with, and you're also recognizing the different kinds of manifestations that sexual assault takes."

Ritter said the intent isn't to suggest that second-degree rape isn't traumatic and serious. But as it is now, she said, prosecutors either decline to bring charges in acquaintance rape, or they charge the perpetrator only with simple assault.

"We're trying to make sure more of these cases are prosecuted, that's the bottom line," she said.

Having two degrees of rape would make jurors more willing to convict a defendant who doesn't fit the lingering stereotype of a rapist as a bug-eyed stranger who drags you into the bushes at gunpoint. Mark McGraw hardly fits that stereotype.

Still, this case is proof that women have come a long way: There was a time this young coed would never have brought charges. And perhaps, someday, we'll get to the point where what she did on the night in question isn't as important as what he did. But I don't think we're there yet.

Said Dressler, the courtroom observer: "She doesn't have a chance of winning this case."



by JILL PORTER

Ritter
Rep

FOUNDED IN 1948

A PUBLICATION OF THE YORK DISPATCH

205 N. GREENE ST.
YORK, PA. 17401
(717) 854-1575

NANCY CONWAY, Editor and Publisher

DEENA CROSS, Managing Editor
TOM SAWYER, News Director

JUDY HOLLINGSWORTH, Editorial Page Editor

HENRY R. MORGES, Editor Emeritus

YORK SUNDAY NEWS

Make a rapist pay for the crime

FOR A RAPE victim, reporting the sexual assault and going through the trial process can be just as ugly and frightening as the crime.

The victim's trauma, however, is often compounded when the suspect takes advantage of Pennsylvania law and pleads down to a lesser charge and receives a relatively small penalty.

Rape victims' advocates in Pennsylvania want to change the law to prevent an admitted sex offender from compromising with the prosecution. Their desire ultimately is to make the offender pay for the crime.

A legislative proposal in the works from Rep. Karen Ritter, D-Lehigh County, would overhaul the state's sex crime laws and make it easier to get stiffer sentences for those convicted of sexual

assault. An interesting revision aimed at achieving that end would wipe the word 'rape' out of the prosecution's vocabulary.

Also eliminated would be terms such as 'deviate sexual intercourse' and 'involuntary deviate sexual intercourse' and 'indecent assault.' The phrases signify an archaic view of sex offenses.

The terms would be replaced by two categories: aggravated sexual assault and sexual assault. An aggravated assault would be classified as any sex crime committed with a weapon or physical force, by more than one person or by someone who has authority over the victim.

Sexual assault would cover sex crimes involving incest and specific types of

indecent contact.

The changes would clarify what rape really is and would make an offender pay for what was actually done.

The proposed revisions also would help a jury understand that though the crime may not have involved any physical violence, the assault is no less an evil and proves no less traumatic to the victim.

Ritter's proposal also would encourage more victims to report the crime. By recodifying sex crimes and avoiding charges that actually detail the assault, victims would feel a little more comfortable in coming forward.

It's been at least 20 years since the state's sexual assault laws have been subject to any sweeping changes.

The public has become more aware that rape, or sexual assault, takes many forms. Its victims are legion and the offenders need to be held more accountable for their crimes.

OUR OPINION

*Herald-Standard
4-16-92*

Legislator wants overhaul of rape, sexual assault laws

HARRISBURG (AP) — A proposal to overhaul the state's rape laws would increase the number of sexual assault convictions, a rape victim advocate told a House panel Wednesday.

"This change will increase the number of cases charged and narrow the limits of plea bargaining," said Susan Cameron, executive director of the Pennsylvania Coalition Against Rape.

The bill, sponsored by Rep. Karen Ritter, D-Lehigh, would eliminate the word "rape" from the crime code, and would create two new offenses: aggravated sexual assault and sexual assault.

Cameron told the House Judiciary Committee that prosecutors often have difficulty getting rape convictions, and are forced to bargain with defense attorneys for lesser charges that don't reflect the sexual nature of the crimes.

The proposal would give prosecutors more flexibility in sex-crime cases, and would mete out punishments that fit the offenses, she said. Also, she added, the sexual aspect of the crimes more often would be considered when offenders are rehabilitated and paroled.

The panel heard testimony on the bill Wednesday, and Ritter said she wants to fine-tune the legislation and consult with House Republicans before bringing it up for a committee vote.

The lawmaker said juries typically identify rape with physical battering of the victim. In cases without such aggravating circumstances, juries are less likely to find offenders guilty of rape, Ms. Ritter said.

The aggravated sexual assault charge would

cover the more violent rapes as first-degree felonies, and the sexual assault charge would cover other rapes as second-degree felonies.

"By renaming it sexual assault, we're trying to get past those stereotypes," Ritter said.

But Karl Baker, president of the Philadelphia branch of the American Civil Liberties Union, said provisions of the bill covering sexual assault of disabled people and minors and child pornography are unfair.

Baker said the proposal would criminalize some consensual sex with physically or mentally disabled people and teen-agers under 14 years old.

"There is no excuse for society to prohibit a disabled person ... from having any sexual contact with another," he said. Under the bill, "it would be no defense that the sexual act or contact were made at the invitation of the disabled partner."

Ritter said she would reconsider that provision of the bill because she never intended to ban consensual sex between disabled people.

But the lawmaker defended language that makes sex with someone under 14 a more serious crime because she said children that young aren't emotionally capable of consenting to sex.

Baker also objected to a provision that would make it a crime to produce or distribute pornography involving minors, regardless of whether the offender is aware that a minor is involved.

The bill also would impose harsher penalties for marital rapes, but Ritter said she would change the measure to treat spousal offenses the same as other sexual assaults.

Allentown Morning Call
9/15/92

Ritter, Preate urge new words for rape

By SEAN CONNOLLY
Call Harrisburg Bureau 9.15.92

HARRISBURG — State Rep. Karen Ritter of Allentown and state Attorney General Ernie Preate would like to banish the legal term "rape" to the dusty old reference books of law libraries.

The word simply does not apply to a majority of sexual assaults that are tried in modern courtrooms, they said. Those cases rarely deal with the violent rapist waiting behind a bush for an unknown victim. Today, they said, the victim, more often than not, is acquainted with the attacker.

In those cases, they said, the word "rape" — which implies a violent struggle between strangers — doesn't accurately describe the attacks and could mislead juries.

"We have seen attackers go free or get off lightly as the criminal justice system — influenced by old stereotypes of what is and is not a 'rape' — is blinded to the clear evidence of sexual assault, merely because the attacker and victim knew each other or had a prior re-

lationship, or the victim didn't fight back hard enough," Preate said.

Ritter, D-131st District, and Preate yesterday held a news conference to tout Ritter's bill that would rewrite the state's criminal law on sexual crimes. The bill would replace the current terms for sex crimes — rape, involuntary deviate sexual intercourse and aggravated indecent assault — with the general term of "sexual assault."

Ritter and Preate, in a show of bipartisan unity, said the bill has been reworked to consider some criticism it received from defense lawyers and civil rights groups. Ritter said the bill could be ready for a legislative vote this fall.

The American Civil Liberties Union had blasted the bill by saying it trampled on the constitutional rights of defendants in its attempt to protect victims. The ACLU suggested ways of reworking the bill to address some of the concerns.

Please See RAPE Page B4 ▶

RAPE

▶ Continued From Page B1

Karl Baker, president of the Philadelphia ACLU chapter, yesterday acknowledged that Ritter had considered many of ACLU's concerns. However, Baker said, Ritter did not address the group's concern over the consent issue for children 13 years and younger.

Under the bill, a defendant who has sexual intercourse with a person 13 years or younger cannot claim the victim consented to sex as part of his or her defense. Baker said the bill could lead to a number of criminal cases against teenagers who engage in sexual intercourse, if their partners are under age.

stance should not be interpreted as consent, the bill says.

Susan Cameron, executive director of Pennsylvania Coalition Against Rape, said the real estate section of the bill would allow judges to disregard old case law that relies on a victim's struggle. She pointed to a Monroe County case in which the Superior Court last May determined that a victim saying "no" does not reach the legal standard for rape.

"In Commonwealth vs. Berkowitz, the court chose to narrowly and literally interpret the current sex offense statutes as they relate to rape," Cameron said. "They

chose to close their eyes to the obvious and concluded that, even in the face of clear verbal statements, 'no' is not enough."

The bill would make sexual assault a second-degree felony, punishable by five to 10 years in prison. The bill also allows for aggravated sexual assault in several situations, including if the attack is committed with a weapon, by two or more attackers, or against a victim who is mentally disabled or physically helpless. Aggravated sexual assault would be a first-degree felony, punishable by 10 to 20 years in prison.

■ LEGISLATION

Sexual assault law changes being studied

Rep. Ritter expecting House vote

By Jeanette Krebs
Patriot-News

Jo Sterner sees and feels her share of frustration with the state Sexual Offenses Law as she works with sexual assault victims each day.

"We see a lot of plea bargaining, it is a big problem with the system as it is," said Sterner, crisis manager of the YWCA of Greater Harrisburg Rape Crisis Domestic Violence Services.

Sterner and others who work with sexual abuse victims say in many cases, such as when someone is accused of date rape and spousal and children sexual assault, the court system hands out lesser sentences. In some cases, it hands out no sentence at all.

But that may soon change.

Under a proposal by Rep. Karen Ritter to make sweeping changes to the law, it may become easier to prosecute sexual assault crimes. Ritter said yesterday she hopes the legislation will be voted on by the House by the end of this term.

Prosecutors often are forced to bypass a charge of rape and instead ask for a misdemeanor assault charge, something that rape crisis workers say frustrates victims and sometimes keeps other people with similar cases from pressing charges.

"This legislation, requested by both prosecutors and victims, reflects our new attitudes and thoughts on sexual assault," said Ritter, a Democrat from Lehigh County.

"Many of the changes I have proposed will protect victims of sexual assault from being victimized a second time in the courtroom."

Sterner said reforms are a long time coming since no major changes have been made to the state law since the 1970s.

Under the proposed legisla-



Patriot-News/1992

**State Rep. Karen Ritter
Seeks sweeping changes**

tion, which stands in the House Judiciary Committee, the charge of rape would be replaced by sexual assault and aggravated sexual assault.

Attorney General Ernie Preate Jr., whose office helped create the revisions, called the proposed changes a model for the nation.

"Other states may have bits and pieces of these reforms but nothing like what we've done," he said.

The legislation also would strengthen penalties for sexually assaulting a minor for repeated convictions of sexual assault against a child. Ritter also proposed cutting down on the time child victims of sexual assault must spend in court.

Under another change, the age of teen-agers who consent to participate in pornography would be raised from 17 to 18.

Proponents of the legislation, such as Susan J. Cameron, executive director of the Pennsylvania Coalition Against Rape, say the number of reported rapes continues to climb.

In the Harrisburg area, 600 women and men and 400 children reported to the Rape Crisis services that they had been sexually abused in 1991, Sterner said.

Lawmaker wants rape laws overhauled

Valley News Dispatch

By Jolie Williamson

Staff writer

7.19.92

State Rep. Karen Ritter (D-Lehigh) hopes her proposal to overhaul Pennsylvania's 20-year-old sexual offense laws will make it tougher on convicted rapists.

Ritter, with backing from state Attorney General Ernest Preate, a Republican, is pushing major revisions in the statutes, which would include breaking the crime of rape into two categories — sexual assault and aggravated sexual assault.

Ritter said the idea is not to belittle the crime of rape by creating lesser and greater degrees of it. She said the proposal is designed to help prosecutors convict defendants of "date rape" or "acquaintance rape." These crimes

What's in Ritter's proposal?

State Rep. Karen Ritter's 26-page proposal to change the sexual offense laws includes several major revisions:

- The current crimes of rape, involuntary deviate sexual intercourse and aggravated indecent sexual assault — all first-degree felonies — would be combined under the crimes of sexual assault, a second-degree felony, or aggravated sexual assault, a first-degree felony. First-degree felonies carry a 10- to 20-year sentence, second-degree felonies a five- to 10-year sentence.

Aggravated sexual assault would include any sexual offense performed with aggravating cir-

cumstances — bodily injury, threats made with a weapon and offenses against a minor.

- Sexual offenses against spouses would be made equal to any other sexual offense. Under current law, spousal rape is a second-degree felony. The proposal would make no distinctions between victims who were the defendant's spouse and victims who weren't.

- All sexual offenses against minors would be first-degree felonies. Under current law, sexual offenses against a child not related to the defendant are first-degree felonies. Under the current incest law, offenses against

a child related to the defendant are second-degree felonies.

- The age of consent would be set at 13, which means any child under that age would be incapable, under the law, of consenting to sex. Current law does not set an age of consent, except in statutory rape laws, where it is 18.

- The defense would not be able to use the clothes the victim was wearing. Whether the victim dressed provocatively would not be admitted as evidence. Current law does not address this.

- Uses gender-neutral language. Current law refers to victims as "she" and defendants as "he."

Turn to LAW, A12

OVER

Law: Officials differ over implied message

From A1

remains that the victim is just that — a crime victim," he said.

Ellen Kerr, volunteer coordinator for Pittsburgh Action Against Rape, said she thinks the proposal provides a needed middle ground.

"There are a lot of people out there who think it just isn't possible to 'rape' someone if you know the person or if that person's your wife," she said. "In addition to that, sexual assault is much broader than just rape. You may be standing outside a theater and someone will come up and grab your breast — there isn't much we can charge that person with. The reaction from police is 'Well, nothing really happened, did it?'"

"That's an assault, and we need to say this is wrong."

District Justice Bernice McCutcheon, however, said the proposal could send the wrong message.

"No means no and a rape is a rape, whether the woman was beat up or not," she said. "A man may think 'I can rape her as long as I don't hurt her' because he can get away with a lesser sentence."

McCutcheon said prosecutors

have the option to file additional charges of aggravated assault or reckless endangerment to a rape charge if a victim was physically injured.

But District Justice Michael Gerheim said varying degrees of sexual offenses would enable more perpetrators to be punished for their crimes.

"For any kind of sexual offense where you are relying on what a victim or a defendant says, there is a tremendous ability for perpetrators to victimize and also for people to make accusations that aren't true," he said. "But I think when you compare date rape with no injuries with someone being beaten half to death, it would be easier to find someone guilty if there were differing degrees of crimes."

Gerheim added that Ritter's proposal could be extended to create more levels of sexual assault to reflect varying situations.

"You can go from two college students lying together naked all night to a person who's in a position of authority, such as a policeman or a doctor, to a menacing stranger who's using a weapon," he said. "It goes from light gray to total black."

9/17/92
Beaver County Times

NEW HOPE

Helping the victims of rape

With a slight modification, the state Legislature should adopt a proposal that will make it easier to prosecute rape cases, especially those involving date rape.

Rep. Karen Ritter, D-Lehigh, and Attorney General Ernie Preate Jr. back a proposal, pending in the House Judiciary Committee, that would eliminate the charge of rape and create two crimes, sexual assault and aggravated sexual assault. The Associated Press reports.

The sexual assault charge would apply to offenders who force their victims to have sex. The more serious aggravated sexual assault charge would apply in cases such as when the victim is threatened with a weapon or suffers grave injury.

The AP reports the measure also would treat spousal sexual assault the same as other attacks, would rule that children 13 years old or younger are not capable of consenting to sex, and would toughen the child pornography law.

One part of the proposal is troubling, though, because it might infringe on the defense's ability to build a case. This part would stop defendants from accusing victims of failing to resist attacks or wearing provocative clothing.

While the reason for the provision is understandable (the all too common "she asked for it" defense), the defendant has rights, too. The state should be very careful in this area.

The final version of the law should be able to meet the needs of the victims without trampling on the rights of the accused to defend themselves.

Candidate takes gripe to McHale

He's Charles' target over K. Ritter sex bill

By ROSA SALTER
Of The Morning Call 10-11-92

The campaign of a Republican state House candidate from Allentown moved to an unusual spot yesterday — the Bethlehem office of a Democratic candidate for Congress.

George Charles, who is running against State Rep. Karen Ritter in the 131st District, joined about 75 others in picketing the Third Street office of Paul McHale yesterday morning to decry Ritter's sponsorship of a bill they say would encourage homosexual men to prey on children.

About half the protesters then moved to the sidewalk in front of the Allentown office of The Morning Call. Forrest Rohn of Allentown, Charles' campaign manager, said The Call was picketed because there were no members of the press at the demonstration at McHale's office.

Charles and Rohn said they targeted McHale because Ritter's husband, Robert Wolper, is McHale's campaign manager and McHale also endorsed Karen Ritter, a former state House colleague.

McHale is running against U.S. Rep. Don Ritter, R-15th District.

"He is a close associate of hers," Rohn said of McHale. "We're appealing to him to talk to her on this issue because he's got pull with her."

About two-thirds of the marchers in the Allentown protest were children.

Karen Ritter yesterday called the protest "bizarre."

"It's absolutely ludicrous to suggest that Paul tell me to do something with this bill," she said. "That's insulting to all women in this area — to think that we're too stupid to think for ourselves and that some man has influence over us."

Ritter said a small portion of the bill, which overhauls the state's sex crimes law, is being misrepresented by her opponent.

Ritter said the portion of the bill Charles is attacking would reduce the age at which it would be a crime for a person to have deviate sex — oral or anal intercourse — with a minor.

She said the age of 14 was chosen to make a consistent age of consent in all sex crimes and "because that was the age we could get a consensus."

She said she originally supported 18 as the age for the bill, drafted by the Pennsylvania Coalition on Rape and Republican State Attorney General Ernie Preate.

If Charles were interested in simply raising the age, he could work with Preate to offer an amendment, because the bill is still in committee, Ritter suggested.

But he is encouraging supporters to pressure lawmakers to "throw out the whole bill," she said.

Charles, who has been running controversial radio ads linking the bill with what he previously called "the militant homosexual lobby," said he is inviting the Lehigh Valley's gay community to join in opposition to the bill.

They are not interested in preying on children, he said.

Asked why children were involved in yesterday's demonstration, Rohn said they were family members of concerned people.

"This law is going in the wrong direction... This is bad law put in with some good law," said demonstrator Royce Seifert of Hellertown.

Wolper said the protesters on Friday dropped off "an arbitrary letter" saying they "would meet" with McHale yesterday.

But McHale's schedule was set and "he had no reason to meet with them" because he is not involved in the issue, Wolper said.

He called the protest "typical of the narrow-minded and negative mode of attack that candidates that don't have anything else to say pursue."



.....

New ugliness in campaign for 131st Dist.

Morning Call

10.15.92

editorial

One of the risks of commenting on sleazy campaign tactics is that today's candidates embarrass you. Just when one incident of mud-slinging qualifies as the worst of the campaign, a new entry surpasses it.

That's what happened last week when Republican George Charles Jr. of Allentown, who is challenging state Rep. Karen Ritter in the 131st District, began broadcasting a hysterical and ignorant advertisement about legislation regarding sexual assault.

The ad uses an off-the-wall statement from a gay publication in Boston to fan fear in the Lehigh Valley that some sort of assault against young boys is imminent. That's the hysterical part. The ignorant part is Mr. Charles's claim that legislation supported by Ms. Ritter will help to bring that about.

The bill Mr. Charles supposedly is talking about, House Bill 2302, is an overhaul of Pennsylvania's sexual assault laws. Its thrust is to make it easier to prosecute and convict all attackers, whether their victims are male or female or young or old.

As a way of doing that, it would make 14 the "age of consent" for all sex offenses. Under current law, the age varies from 14 to 16, and in some cases, no age is stated, leaving it up to the courts. In cases of rape and incest, that has been set as low as 9. This disparity has allowed offenders to say that children welcomed or even encouraged their actions. Establishing a uniform standard will eliminate much of that nonsense.

Pennsylvania Attorney General Ernie Preate (a Republican) supports Ms. Ritter's bill. So does the Pennsylvania Coalition Against Rape. Now, anyone can misunderstand the details of a legal document, but by linking his argument to fear and hatred of homosexuals, Mr. Charles lays bare his real motivation. And, unless he apologizes and disowns the advertisement, he also gives voters a good measure of his capacity for leadership.

LOCAL

Karen Ritter rebuts Charles on sex abuse bill

By ELLIOT GROSSMAN
Of The Morning Call

The feud between two state House candidates over a Pennsylvania sexual assault bill escalated yesterday when incumbent Karen Ritter called challenger George Charles' radio ads "reprehensible" and "vulgar."

Ritter, an Allentown Democrat representing the 131st District, made her comments in a news conference a day after the ads began airing. The ads claim the bill would allow homosexuals to seduce young boys.

Ritter describes the bill as a comprehensive way to strengthen the ability of authorities to prosecute sexual assaults. Charles claims the bill would weaken that ability.

"Every major section of the legislation we wrote and I introduced has been tested and is law in other states," said Ritter, a prime sponsor of the bill. "This bill will finally bring Pennsylvania's sexual offense laws in line with what the experts now know and understand about sexual violence."

Ritter was joined at the news conference by 15 directors and counselors of rape crisis centers in eastern Pennsylvania. Also present were Joseph Mascari Jr., who heads an Allentown-based crime victims group, and Glenn Clark, a former Lehigh County prosecutor.

Charles said his campaign obtained the ad from "a group of private citizens" but he did not know the identity of that group nor did he believe it was important that he know. He referred a reporter to his campaign manager for that information, but the manager could not be reached.

Charles said he confirmed the accuracy of most of the ad, except for the introduction, which supposedly refers to statements made in the Boston Gay Community News.

"We shall sodomize your sons, we shall seduce them," the ads begin, supposedly quoting the Boston publication. The ad then attacks Ritter's bill.

"George Charles, in his objections to this legislation, is saying he does not want tougher penalties against parents

who sexually assault or abuse their own children," she said.

"George Charles, in his objections to this legislation, is saying that he knows more about the nature of sexual offenses than the state attorney general or the Pennsylvania Coalition Against Rape," she said.

Attorney General Ernie Preate, a Republican, and the coalition have said they support the bill.

In an interview, Charles said his criticism of the bill is generally focused on a provision that would reduce the age at which it would be a crime for a person to have deviate sex with a consenting child. The age would be reduced from less than 16 years to 13 years or younger, he said.

That provision would open up more children to homosexual abuse, he said.

Ritter said her opponent is improperly focusing on one section of the bill. If she could get support to raise the age, she said, she would favor raising it.

Also, in a letter dated yesterday,

Charles told Paul McHale, a Democratic congressional candidate in the 15th District, that he wants to meet with McHale tomorrow to get McHale to convince Ritter to change the bill.

Charles wrote that he and a "bunch of concerned citizens" would be outside McHale's South Bethlehem campaign headquarters.

"We thought that in light of your close ties to her, and the fact that as a father you undoubtedly share our concern, you will be willing to help," Charles said.

Ritter and McHale are friends and former House colleagues. Her husband, Robert Woiper, is McHale's campaign manager.

McHale said he will not be available and that he would not meet with Charles at any time on the issue.

"The tone of the letter as well as the substance of Mr. Charles' campaign is offensive," McHale said. "He is obviously trying to use a tragic issue for political gain."

Charles uses gay parody

Ad attacks Ritter's sex-crimes bill

By ELLIOT GROSSMAN
Of The Morning Call

10.19.92

The radio advertisement has a way of grabbing listeners' attention. It talks about sodomizing people's sons.

"We shall seduce them in your gymnasiums and your locker rooms, in your sports arenas," the ad begins, quoting from the Boston Gay Community News. "They will come to crave and adore us."

Then, in a sudden juxtaposition, the ad claims that boys would be subjected to abuse by homosexuals because of a bill sponsored by state Rep. Karen Ritter of Allentown.

The ad, paid for by the campaign of Ritter's opponent, Republican George Charles Jr., has set off a feud in-

volving not only the two candidates but also groups that support the bill.

Ritter, a Democrat representing the 131st District claims the ad distorts the meaning of the bill and jeopardizes passage of legislation that is vital to strengthen the prosecution of sex crimes.

Charles claims his ad makes important points about what he said is a weakness in the bill — reducing the age at which it would be a crime to sodomize a child with the child's consent.

But neither candidate has raised another important point about the ad: that the quote from the Gay Community News was from a parody poking fun at people who believe all gay men are after young boys.

Even the author's name, Michael Swift, was ficti-

Please See AD Page B4B

Rep Ritter
10/19/92

AD

► Continued From Page B1

tious, a take-off on the 18th-century satirist, Jonathan Swift, best known for Gulliver's Travels. Jonathan Swift once wrote a parody recommending that impoverished families in Ireland raise boys to be killed and sold for eating. Swift even provided recipes.

It's not the first time a conservative politician has tried to use the Gay Community News article for his benefit. It has appeared often during disputes over gay rights legislation.

"Everyplace in the world where they've tried to pass a gay rights law, this comes up," said Christopher Wittke, former features editor of the newspaper, which has suspended publication for financial reasons.

"I just cannot believe how widespread it is and how people want to believe it," he said. "This has just hit everywhere. All these right-wingers have it."

Charles received a reprint of the article from state Rep. Dennis Leh, who used it in 1990 to lead a successful fight against amending the state's hate crimes law to include sexual orientation. Leh, a Berks County Republican, said at least 30 legislators asked for copies of the article after he read it into the House record.

Wittke said: "It's one of those urban legends," like the story about the woman who put her poole in the microwave to dry it off and it exploded. "It has a life of its own."

Charles said his campaign obtained the ad from a "group of private citizens," but he did not know the identity of that group; nor did he believe it was important that he know.

He referred a reporter to Forrest Rohn, his campaign manager, for more information.

Rohn declined to identify the group, citing privacy reasons.

Charles said he confirmed the accuracy of most of the ad, except for the quote from the gay newspaper.

The bill would provide the first comprehensive overhaul of the state's sex crimes law since 1972.

According to the bill's supporters, one of its most important provisions would give authorities a greater number of criminal charges to file against suspects in sex crimes. At present, charges are not filed in some instances because an appropriate charge does not exist, according to Susan Cameron, executive director of the Pennsylvania Coalition Against Rape.

"In numerous instances, the gradations will offer prosecutors more flexibility, encourage more prosecutions and provide a penalty appropriately tied to the level of culpability," said Mary Seiverling, a senior deputy state attorney general, in testimony before the House Judiciary Committee.

The bill eliminates the terms rape and involuntary deviate sexual intercourse. Instead, it creates

new charges such as sexual assault and aggravated sexual assault.

It also would make spousal sexual assault equal to other sexual assaults, instead of a lesser offense. And it would forbid the use of a legal defense suggesting that the victim provoked the attack with the way the victim was dressed.

The bill has the support of the Pennsylvania Coalition Against Rape and state Attorney General Ernie Preate Jr. Last month, Preate, a Republican, endorsed the bill and commended Ritter, a Democrat, for her involvement in preparing the bill.

Charles' ad has several problems in the way it refers to the bill, including the overly broad statement that it would allow young boys to be seduced by homosexuals.

But the ad has prompted discussion of a key part of the bill that Ritter said she is willing to change: The bill sets 13 years or younger as the age at which it would be a crime to have sex with a child if the child consents.

In some instances, such as rape, that provision in the bill would raise the age of consent from eight, set by court rulings. But in sodomy cases, it would lower the age from 15 to 13, and that's what Charles said bothers him.

That provision would subject

more children to homosexual abuse, he said.

After Charles' ad started running, Ritter said she'd support raising the age of consent, if the bill would pass with that change. ~~That~~ ^{Fourteen} ~~was~~ ^{was} picked because she believed it would be acceptable to the most legislators, she said.

"Whatever age we agree on is fine with me," she said.

"I'm pretty much of a prude. I think 16 or 18 would be acceptable to me. But I don't know if that's reasonable. I don't know if we could get most people to agree on it."

She said she'd be more comfortable with teen-age girls not having sex until they're older.

Charles said that raising the age would give parents more power to curb their children's sex lives.

At present, there are inconsistencies in state law in the ages of consent for various sex crimes. For instance, it would not be a crime for a 15-year-old boy to have sex with a 15-year-old girl. But it would be a crime for two 15-year-old boys to engage in sodomy.

Although the bill would eliminate some inconsistencies by setting one age of consent, it would create another problem with the age of consent, according to the American Civil Liberties Union.

The Philadelphia chapter of the

ACLU is concerned that the bill could lead to criminal cases against teens who have had sex, if their partners are 13 or younger.

Current law has a gap between the age of the victim and suspect. Someone 18 or older is forbidden from having sex with someone 14 or younger, the current law says.

The ad also says Ritter's bill would abolish the state's anti-sodomy law. But a state appeals court struck down that law in 1980. The court said it was unconstitutional to forbid consenting adults from engaging in oral or anal sex.

Charles' ad also addresses Ritter's proposal last May to broaden the language of a House resolution honoring the "traditional family." Ritter wanted the resolution to just say "family."

Charles' ad says that Ritter wanted to amend a resolution honoring traditional families. It does not say that she wanted the resolution to continue honoring families.

2062

Reaction is vocal to Charles, Ritter

By DICK COWEN
Of The Morning Call

10-21-92

Democratic incumbent Karen Ritter and Republican contender George Charles both invoked the name of The Morning Call yesterday in their race for the state House in the 131st District.

Ritter cited a recent Call editorial which she said called Charles' campaign "sleazy, hysterical and ignorant." She asked the voters to repudiate his campaign tactics by re-electing her.

She touted herself as someone with a statewide reputation for protecting the rights of women and children.

Charles opened his remarks by saying, "Let's talk about what's really taking place in The Morning Call." But he failed to elaborate.

He conceded that one of his ads may have seemed "improper" as a parody on gays. But he said there was a difference between the "normative gay community and the militants." He asked for the support of the gay community.

These two generated the most vocal reaction at a candidates session at the Allentown Woman's Club.

For Ritter, the audience of about 125 gave the loudest applause of any of the speakers. Charles was the only speaker to receive catcalls, hoots and boos.

Charles tried to use some of his four minutes to ask Ritter questions about a comprehensive bill on sexual offenses. She is the chief sponsor.

But after one particular question, Ritter was only about three words into her answer when Charles interrupted with: "Excuse me, I'm talking."

The audience hooted and booted.

In her speaking time, Ritter cited her work with various local and state organizations in behalf of women and children. "It's a record I'm proud of," she said.

As to her bill on sexual offenses, she said the Pennsylvania Coalition Against Rape framed much of it. The Republican attorney general, Ernie Preate, had a part in it. And GOP Rep. Don Snyder of suburban Lehigh County is a cosponsor.

Charles defended his ad involving gays.

He said that while it may have been a parody, the substance of it was true.

He challenged Ritter to produce documentation that Preate supports her bill on sexual offenses.

For the 15th Congressional District, Republican incumbent Don Ritter spoke on his own behalf. The speaker for Democratic challenger Paul McHale was his wife, state Rep. Katherine McHale, D-133rd District.

Ritter indicated there will be a tax increase coming as part of the package to attack the \$4 trillion federal debt.

He called it a "tax component."

But he added that "if you don't get the economy growing, you can't get the deficit down."

He said there may be a turnover of 100 members of Congress in this election. He urged the retaining of "those who fought for the issues vital for the future of this country."

Ritter claimed that in his seven terms in Congress he "made the tough votes to hold down federal spending." He said America was suffering from "short-termitis" — though he gave no definition.

Katherine McHale described her husband, Paul, as a man with a strong sense of personal ethics, a strong commitment to family and public service.

She said he supports the Family Medical Leave bill which would permit up to 12 weeks of unpaid leave from work in a medical or family emergency. She said South Africa is the only other major country besides the United States without this legislation.

She said she visited Latvia recently and learned one of the first things the leaders did after becoming free from the Soviet Union was to institute a policy of family leave.

She made no mention that Ritter voted against the family leave bill or that President Bush vetoed it.

The appearances of the two candidates in the 132nd District race for the state House featured some notable variations.

Moderator Ann Weinert announced that GOP incumbent Charles Dent wanted to be there but was taken to the hospital the previous evening.

Dent was very much in evidence and apparent good health — right in the front row of speakers.

Later, Weinert got it right — that it was GOP Rep. Don Snyder of the 134th District who went to the hospital Monday night. He was admitted to Lehigh Valley Hospital, Salisbury Township, for treatment of gallstones.

Dent said the 132nd District voters who elected him in 1980 voted for change. "I feel I'm an agent for change."

Dent called himself a proud advocate for manufacturing. He said he opposed the increases in state taxes that came during the last two years.

He said we must face "behavioral poverty" as much as material poverty if we are to effectively improve society.

Democratic challenger Thomas Hartman came to the microphone with his sleeping infant daughter on his shoulder. "I couldn't get a sitter," he said.

Hartman said he is a candidate for abortion rights. He supports the Family Leave Act. He said he would serve with honesty and integrity.

Republican candidate David Dye of the 133rd District said he would n't take the perks given to state House members.

For state offices, the only candidate to appear was Republican Lowman Henry for state treasurer.

Henry said that Auditor General Barbara Hafer told us the truth two years ago about the massive state debt.

He said State Treasurer Katherine Baker Knoll, the Democratic incumbent, "should have been the first person to tell us. She's the state's bill-payer."

Rather, she was a co-conspirator with Gov. Robert Casey in hiding the truth about the deficit, Henry said.

Other speakers were surrogates for various national, state and local candidates.

Perhaps more than half the audience was made up of high school students from Allen, Dieruff, Salisbury and Southern Lehigh — a sampling of them afterward indicating most of them are not old enough to vote.

10-23-92

The sex bill flap obscures a bigger flaw

Nearly 20 years ago, a couple of guards told me about three 16-year-old boys incarcerated at a state prison. They said all three had been convicted of statutory rape because each had sex, on separate occasions, with the same 15-year-old girl.

At that time, state law said that anyone over 16 who had sex with anyone under 16 was guilty of statutory rape.



Paul Carpenter

I reported what the guards said, and I like to think that my stories had something to do with the law being changed. Since 1976, the law has said the perpetrator must be over 18 and the victim under 14 before statutory rape charges can be filed.

That brings us to the political contest between incumbent state Rep. Karen Ritter and her challenger, George Charles. Much of the debate between them has focused on Ritter's House Bill 2302, which clarifies, strengthens and modernizes the law on sexual offenses. Many of the changes are long overdue.

Charles has attacked one portion of the bill, however, saying it will make homosexual abuse of young boys more likely. Present law makes oral or anal sex illegal if a person is under 16, while the age threshold involving vaginal intercourse is 14.

Ritter's bill makes sexual assault age provisions uniform. That outraged Charles, who warned of fiendish schemes by homosexuals to seduce young boys. The noisy dispute diverted attention from a provision that really is harmful and would take us back 20 years if enacted.

HB 2302 eliminates the 18-14 age gap for statutory rape. Instead, it would be a crime for anyone to have sex with a child under 14. It would apply to someone who is 14 plus one day having sex with someone who is 14 minus one day. I asked Ritter if she had a problem with that.

"I don't think that the prosecu-

Prosecutors will do anything the law allows them to do.

tors are going to spend their time on those kinds of cases," she said.

I told her about the 16-year-old boys. Also, I have observed that in the real world, prosecutors will do anything the law allows them to do.

Ritter has heard similar concerns and "that is one of the things we're going to discuss when the bill comes up in the Judiciary Committee." She also said the uniform age threshold for consent could be raised, perhaps to 16, although that might be awkward in a state where people can legally be married at 14.

Still, Ritter has a big problem with the present 18-14 age provision. "I don't like the current idea that if the perpetrator is 17 and the victim is 11, you have to prove that that victim didn't consent."

We finally agreed that maybe a standard floating age gap is the solution. It would be a felony to have sex with a minor, for example, if the age gap is more than three years.

I also talked to Charles. We agreed on one point — there's too much government interference with parental responsibilities for and authority over children. It's not clear, however, how that is affected by Ritter's bill one way or the other.

On other points, I'm not sure if we agree or not. I taped the interview and went back and listened to it again, twice. Charles went off on tangents, continually interrupted and delivered this kind of disjointed gibberish: "The major concern is that there's a change of concept in statutory ... because the introduction of concept is, that regardless of whether the child gives consent or not, the law says they shall not."

Whatever that means, I asked if we should criminally prosecute a teen-ager who has sex with someone who is only a few months younger.

"I don't agree that either one of them should be having sex at that age," Charles said.

I know, but ...

"You can't answer it in an answer that conforms to the way you're asking the question."

Don't get me wrong. I'm not saying that a candidate who spews gibberish should not be elected. I have spent a lot of time in Harrisburg and I think Charles would fit right in.

I do hope, however, that we can avoid legislation that would put Romeo in prison for 20 years. You may recall that Juliet was only 13.

Rep Ritter

The Morning Call
10.27.92



Attack on Ritter bill hurts the innocent, too

To the Editor:

Mud-slinging is nothing new to political campaigns, and in some races it is quite entertaining for the voter. But politicians must take care when they toss the dirt so they don't harm innocent victims. I'm writing about the charges that George Charles is levying against a bill on sexual abuse that Karen Ritter has sponsored. This bill will help victims. It's a good bill. Our victims rights group has endorsed it and so has the attorney general and the Pennsylvania Coalition Against Rape.

Charles attacks Rep. Ritter through this bill, implying that this bill will "sodomize our sons and seduce them." This is garbage in its final stage of decay. Why doesn't Charles admit to the press, as he admitted to me, that the majority of this bill is excellent and that he would like to change only certain aspects of it? Our organization is appalled at Charles's unethical attack on this bill, and we strongly urge him to stop misleading the public.

Joseph Mascari Jr.
Co-Chairman
Victims of Irreparable Crime Experience
Allentown

Karen Ritter

Charles, Ritter cite her record

By DAVID HERZOG
Of The Morning Call 10.29.92

In the noisy race between state Rep. Karen Ritter and Republican challenger George Charles for the 131st District seat, the candidates agree on one thing:

Ritter's record is the big issue. But that's where the agreement between these 1971 Dieruff High graduates stops cold.

Ritter, the Democratic incumbent, says her record is a solid base of work her constituents appreciate.

Political newcomer Charles says that Ritter has compiled a record that shows



Ritter



Charles

she's too liberal for the district.

Charles has been hammering at Ritter with a series of ads that call her a bigot, say she's opening the door to child pornography and claim one of her bills would make it easier for gay men to seduce boys — but don't lay out Charles' positions.

"As far as I can see he has not given the voters one single reason why they should vote for him. He has told them why he thinks they should vote against me," Ritter said.

Please See 131ST Page B4 ►

Karen Ritter

10/29

131ST

► Continued From Page-B1

"But I think the voters deserve to know more than that," she said in a conference room cluttered with papers and boxes at her district office.

As she's done in past races, Ritter has been stressing her record in candidate forums and in mailings to district voters. And she's been seeking to discredit Charles, by claiming he has no credibility and is trying to mislead voters.

She's also been holding onto a 3-1 fund-raising edge since the May primary election.

"I don't believe that the public has received their just due in being told about the issues that affect them daily," said Charles, 38. The industrial dismantling and demolition contractor is single and lives with his mother at 432 N. 2nd St.

Ritter, 39, is seeking her fourth two-year term in the state House, where she is one of its most vocal backers of abortion rights. Before that, she was a member of Allentown City Council and worked as a secretary and abstract agency manager.

Ritter is a member of the Judiciary, Health and Welfare, Aging and Youth, Majority Policy and Legislative Budget and Finance committees. She is also a member of the Children's Trust Fund Board and touts her record on women's and children's issues in campaign mailings.

She lives at 250 E. Elm St., on Allentown's East Side, with her husband, Robert A. Wolper, a political consultant. She is on the boards of a half-dozen local community groups.

If elected to another term, she said, she would try to shepherd through the bills she sponsored during this legislative session.

One of those bills is reform of the state sex crimes law that Charles has been attacking parts of. Others include the proposed Comprehensive Services for Persons With Disabilities Act, which would provide a state office for services, and a bill that would mandate safety standards for grandstands.

Ritter perhaps is best-known for her high-profile defense of abortion rights in the state House. That position has gotten her in some hot water with the highest-elected official of her party: Gov. Robert P. Casey.

"He's sort of sensitive, I guess. He doesn't take criticism too kindly," Ritter said. "So we are uh, I haven't really talked to him since all of that stuff over the summer."

Ritter was referring to the buttons she sold that show Casey, a Roman Catholic, dressed in papal garb. Ritter sold the buttons at the Democratic National Convention in New York, where party officials wouldn't let Casey deliver an anti-abortion rights plea.

"I can get along with pretty

many people, but the governor doesn't seem to be one of them," Ritter said between sips of coffee.

Earlier this year, she got Attorney General Ernie Preate Jr., a Republican, to endorse her bill that would overhaul the state's sex crimes law.

"We don't agree on a lot of things," Ritter said. Preate argued the state's Abortion Control Act case before the U.S. Supreme Court, and Ritter supports his opponent, Democrat Joe Kohn, in the election.

"I think we've been able to put that aside and work on bills that we think are important," Ritter said.

Preate's seal of approval on the bill means nothing to Charles, who has been attacking the sections of the bill while his other issues have faded into the background.

Lehigh County GOP chief Charles Mackenzie said this week Charles' focus on the bill has been detracting from other issues, such as Casey's tax increase, which Ritter supported, economic development and gridlock at the Capitol.

"I don't think he's tapping in hard enough there," Mackenzie said.

When Charles announced his candidacy in April, he said Ritter's bill spurred him to run. Specifically, he pointed to language that would shield artistic materials from child pornography restrictions.

That would legalize child porn, Charles said. But Ritter said the language is needed to make the bill conform with constitutional law and to ensure that parents who take photos of their children bathing aren't made criminals.

Then Charles later blasted the part of the law that would set a uniform age of consent for sex at 14. The current age of consent for voluntary deviate sex is 16. State courts have ruled that children as young as eight may give consent for intercourse.

Ritter said that the bill is still in committee and that the age of consent could be changed if there's support. Preate holds the same position, a spokesman said yesterday.

"Any logical person would step back and say, 'All right, there's really nothing to argue about any more,'" Ritter said.

But Charles, who withdrew support from Preate's re-election campaign yesterday over the issue, believes Ritter gave way on the consent issue only after he started talking about it.

He ran a radio ad that insinuated Ritter's bill would open the door for gay men to seduce boys. Citing the pope button, another ad said Ritter is a bigot like ex-Ku Klux Klan leader David Duke.

Charles' ads don't elaborate his positions. He said they don't have to outline his stands in the ads because he's running, in his words, a "total message" campaign.

That means his positions are being put forth elsewhere and voters have to look at the total message. He has outlined his positions at news conferences and in interviews during the past month.

Charles says he wants to rein in government spending and blasted Ritter for voting for Casey's 1991 tax increase. He has pledged never to vote for a tax increase.

Also, he opposes the level of state education and transportation aid that Philadelphia and Pittsburgh get.

He favors the form of school choice that would give parents \$1,000 for each child from taxpayers. The parents would be allowed to put that money toward private school tuition.

Ritter voted with the majority of the House in December when it deemed such a system unconstitutional because public money would flow to church schools.

Charles would restrict abortion except when it's needed to save the life of the mother.

Charles has attended Penn State's Berks, Allentown and Schuylkill campuses. He has worked in sales and is an integrated circuit assembler and inspector at AT&T Technologies in Allentown.

He is active with Everlasting Life Ministries and has helped conduct street meetings and organize holiday dinners in Center City.

District: 131st

Part of Lehigh County consisting of Allentown Wards 01, 02, 03, 06, 12, 13-Division 01, 14, 15, 16 and 19 and Salisbury Township Wards 02 and 03.

Karen Ritter

Age: 39

Party: Democrat

Residence: Allentown

Time in office: Elected to House in 1986; completing third two-year term

Occupation before joining

Legislature: Served five years on

Allentown City Council

Education: Dieruff High School

Committees: Health and Welfare,

Aging and Youth, Majority Policy,

Judiciary and Legislative Budget and

Finance

George Charles

Age: 38

Party: Republican

Residence: Allentown

Occupation: operator of an

industrial dismantling business

Education: Dieruff High School

282

LETTERS

■ New law will help victims of abuse

To the Editor:

As an employee of a comprehensive victims' center, which includes rape crisis services, I am appalled to read and hear about the negative comments surrounding House Bill 2302 which amends Pennsylvania's sexual offense laws. These laws have not been revamped for nearly 20 years, and do not provide adequate protection for victims or punishment of offenders.

House Bill 2302 is a positive step forward that increases penalties for sexual offenses against victims, especially children. This bill creates the new crime of sexual exploitation of a child, does not allow offenders to claim ignorance of a child's age, and allows expert witness testimony to be submitted to aid juries in understanding the typical behavior of child sexual-assault victims, which now make up almost 40 percent of all rape victims served by Crime Victims Council of the Lehigh Valley.

For the past 19 years, Crime Victims Council of the Lehigh Valley has provided crisis services, counseling, support and advocacy for victims of sexual assault. During this time we have witnessed firsthand how ineffective and insensitive our current system can be. House Bill 2302 is a critical piece of legislation that will protect not only child victims but also give all victims of sexual violence the rights they deserve.

Suzanne Beck-Hummel
Executive Director
Crime Victims Council of the Lehigh Valley Inc.
Allentown

11/5/92

Moravia

Call

now House
Bill 160



Chile Angura 2-2-73

Bill could change way Pa. courts handle date rape

By Mac Daniel

INQUIRY CORRESPONDENT

During the last two weeks, two young women have walked into the Montgomery County Courthouse in Norristown and said they were victims of date rape.

As is the case nationwide, they had a tough time convincing juries that a crime had been committed.

One woman lost her case. The other, whose trial ended in a hung jury, said the courtroom experience made her feel as if she has been raped a second time.

And the male defendants were saying that they, too, were victims.

FBI statistics say date or acquaintance rapes account for 80 percent of sexual assaults. But few result in trials. Many women choose not to press charges, experts say, fearing that they will be the ones put on the defensive in court.

A key factor in determining what does — and does not — happen is the fact that Pennsylvania law treats all rapes equally.

But legislation pending in Harrisburg may change that. The bill, recently introduced in the House, would eliminate the single charge of rape and create two crimes — sexual assault and aggravated sexual assault.

The sexual-assault charge would apply to those who force victims to have sex. The more serious charge of aggravated sexual assault would apply when the victim is threatened with a weapon or is injured.

The bill's sponsor, Rep. Karen Ritter (D., Lehigh), said yesterday that changes were needed because juries were reluctant to convict defendants of rape if the victim was not battered or threatened with a weapon.

Under the bill, Ritter said, it would not matter if these two people had consensual sex last week. There are just two facts that need to be proven — if the act occurred and if there was not consent.

In the meantime, juries are having a tough time, as the two cases in Montgomery County demonstrated.

In one trial, eight days long, a 22-year-old secretary from Merton said she was raped by a male friend in her apartment in September 1991 after a night of drinking and dancing.

The woman testified that she let the defendant, John T. Quinn, 30, into her apartment to use her bathroom. She said that she was tuning her stereo when Quinn, a 215-pound former college football player,

grabbed her and raped her.

Quinn was arrested the next day at his Blue Bell office. Police said he denied having sex with the woman.

But on the stand, Quinn, backed by several friends, said the woman was dancing seductively at a Haverford bar that evening. He said she consented to sex and got angry when he refused to spend the night.

Quinn's attorneys, Richie Phillips and Patrick Campbell, also produced evidence suggesting that the woman had a sexual encounter with another man two nights earlier.

In closing arguments, Phillips asked the jury to consider her pattern of behavior. Assistant District Attorney Thomas Egan argued that she had no motive for lying.

The jurors deliberated 10½ hours before deciding they could not reach a verdict.

Afterward, Phillips said the "feminist movement" caused his client's troubles. Egan said he planned to retry the case.

The second case, which went to trial last week, involved a 19-year-old woman from Jeffersonville and two defendants — Larry Kelly of Norristown and his cousin, Sheldon Jackson of Ardmore.

The woman, a security officer, testified that Kelly, her long-time boyfriend, threatened her with a knife and police baton. She said she was forced to have sex with both men.

Prosecutors said Kelly broke down a door in the woman's apartment and pulled the phone from the wall as she tried to call police. They also said he stole a \$20 check and a gold chain he had given her.

The defendants said she had initiated the sexual encounter and cried rape only after Kelly said he was seeing someone else.

In the end, the jury found both defendants not guilty of all the rape and assault charges. Kelly was convicted of theft and robbery.

Jurors said they found the men not guilty of rape because it was not proven that the woman had put up a fight or been injured.

Judge S. Gerald Corso, who heard the case, said yesterday that the relationship preceding any alleged rape "permeates the proceedings," particularly if it was an "ongoing, somewhat intense relationship."

"When you're dealing with juries and you're dealing with human nature, the issue always comes down to 'Why?' " he said. "And I guess a lot of it boils down to whom you believe?"

The charges of sexual assault and aggravated sexual assault would be instituted.