

Opening Remarks
Representative Sam Rohrer
House Judiciary Committee Hearing:
House Bill 928, "Child Rapist and Predator Detection"
February 22, 2010

Good morning. Thank you, Mr. Chairman, for calling this hearing today, and thank you to members, staff, advocacy groups, and members of the public who have traveled here this morning.

I am grateful for the opportunity to address the committee about an issue very serious, and very emotional. The sexual abuse of children in our commonwealth is a tragedy, one that we would like to believe doesn't happen. Due to efforts to combat these horrific cases of abuse, legislation has been passed on both the federal and state levels in order to strengthen the penalties and empower the police to crack down on these predators.

Previously enacted legislation has expanded the mandated reporting requirements for child abuse in a manner that requires the reporting of pregnancies of girls who are under 13 years of age to county agencies. Unfortunately, however, despite these laws, a significant number of child rapists and other child predators can avoid detection and punishment because the age of the child is not determined.

When I first became aware of this loophole in the law, I sat down with former Representative Tom Yewsic to draft legislation that might provide law enforcement with the tools they need to further prosecute child predators.

When a child under 13 years of age has a sexually transmitted disease or is pregnant, that is evidence that a felonious sex crime has been committed. The premise of this bill is to require a health care practitioner who treats a minor for pre- or post-natal care or with an STD to ascertain the age of the child, and in doing so, greatly strengthen Pennsylvania's ability to protect children under 13 years of age against child rapists and other sexual predators.

This legislation specifically addresses the unique role that health care practitioners play. As physicians or other health practitioners may see evidence of sexual abuse or a felonious sex crime, these individuals have concrete knowledge that a crime was committed. The requirement to share this knowledge was codified into law so that young girls and young boys might be protected, and their abuser punished. This is already law. Requiring that the age of the child be determined is an enforcement mechanism that will further serve to protect the children of our commonwealth.

From a policy perspective, this legislation is necessary to ensure that the laws against sexual conduct with those under 13 years of age are properly enforced. Knowing a child's age keeps a large class of girls and boys from falling through the cracks. The Child Rapist and Predator Detection legislation would not create any new law, but rather correct a loophole, or a structural deficiency overlooked in original legislation.

Because of methodology, and the difficulty of quantifying such statistics, some organizations do not or cannot measure the victimization of children age 12 or younger. Additionally, the relative dependence and immaturity of these children make it difficult in many cases for the child to report abuse. When children do come in contact with health care professionals, then, and there is evidence of abuse, that makes it all the more necessary for law enforcement to be given the proper tools to track down and punish these child predators.

When drafting this legislation, former Representative Yewsic and I were careful to bring in people and organizations involved with this issue for their comments and concerns, in order to draft fair and comprehensive language. We have a few people representing those organizations here today to testify to the absolute necessity of this legislation.

Children who have been victimized by sexual abuse are perhaps some of society's most innocent and vulnerable citizens. The very least that we as legislators can do is ensure that those who perpetrate such heinous crimes are caught and punished. Our children deserve nothing less.