



**Pro-Life Coalition of Pa.
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February 22, 2010

Dear Members of the Pa. House Judiciary Committee:

Summary

I urge you to pass H.B. 928, the Child Rapist and Sexual Predator Detection Act, to protect girls, 12 and under, in our Commonwealth from sexual assault.

This legislation does so by requiring that health care providers and abortion facility personnel determine the age of a minor, preserve evidence to law enforcement standards and ensure law enforcement officials in our Commonwealth coordinate their efforts to protect girls from sexual assault.

Current Law in Pennsylvania Regarding Rape and/or Sexual Assault on Minors

In Pennsylvania, any child under the age of 13 who exhibits evidence of sexual activity has been a victim of rape. In Pennsylvania, any child aged 13, 14 or 15 who exhibits evidence of sexual activity may be the victim of statutory rape and/or sexual assault.

In March 2007, the Pennsylvania Superior Court defined sexually transmitted disease in a 15 year old child as "serious bodily harm."

The Extent of the Problem

I have attached statistics from the Pa. Department of Health with regard to minors and abortions, child birth and some sexually transmitted diseases. The Department does not publicly report these statistics in a consistent manner by age.

Nevertheless, based on these reports, I believe that the following is a fairly accurate annual approximation in each of the following categories in our Commonwealth.

Abortions (12 or under)	-	10	Chlamydia (13-14)	-	700
Childbirth (under 15)	-	1,106	Gonorrhea (10-12)	-	40
Chlamydia (10-12)	-	15	Gonorrhea (13-14)	-	700

The Current Law Regarding the Reporting of Child Abuse

Under the revised Child Abuse Statute, passed by the Pa. General Assembly in November 2006, an adult who has a *reasonable basis* (emphasis added) to suspect child abuse becomes a mandated reporter of this abuse.

So, encountering a minor (i.e., 15 or under) who is pregnant or who has an STD provides a *reasonable basis* for an adult to believe that this minor is a victim of child abuse and, therefore, this adult is required to make such a report to law enforcement officials.

So, law enforcement officials, under current law, should be receiving many reports of suspected child abuse based on pregnancy or STDs in girls or boys 15 and under.

Why Are Not the Legally Required Reports Being Made?

In my analysis,

1. A misplaced notion that such reports will deter minors from seeking medical treatment.
2. Avoiding "officially" determining the age.
3. A desire not to challenge the operators of abortion facilities.

The Philadelphia District Attorney's Office

Let me be candid: Philadelphia is the disproportionate location for these non-reports of sexual assaults against minors. In the spirit of "subsidiarity," i.e., attempting to address a problem at its local level, and as a Philadelphia native, I have attempted to persuade law enforcement officials in Philadelphia to act on this problem. They have shown no interest in doing so,

I have corresponded and met with the number three person in the Philadelphia DA's office, who heads the Sex Crimes Unit. Under the Philadelphia DA's office "interpretation of current law," there is no legal obligation for a health care provider or for an abortion facility personnel to report a pregnant 12 year old girl to law enforcement.

The reasoning for this conclusion? Although very slight, the possibility exists that the male who got the girl pregnant might also be 12 or younger. Thus, he might also be a "victim" and, therefore, the 12 year old girl is no longer a victim of child abuse.

This rationale is nonsense. I agree that the age of the male perpetrator should affect how law enforcement treats the case. But, to allow this rationale to prevent the reporting of pregnancy or STDs in girls 12 or under is an outrage against justice and common sense.

Such reasoning also leads to cases such as Arnesx Honore. In this case in Philadelphia, this sexual predator, between the ages of 30-33, raped and sexually assaulted a girl between the ages of 14-17, which resulted in one childbirth and at least two abortions. Under the Philadelphia DA's policy, no legal obligation existed for these medical or abortion personnel to report this girl's pregnancies.

This Proposed Legislation Should Go Further, But...

In my opinion, I would like this proposed legislation to directly protect girls 14 and under and to give the Pa. Attorney General's office concurrent jurisdiction to enforce these requirements. But, the bill does provide a good start to ameliorating this problem of unreported sexual assaults against girls in our state. Please pass H.B. 928.

Sincerely,

Michael J. McMonagle
President

Fugitive in rape kept job teaching

Case's gravity, refiling eluded Phila. school.

By Barbara Boyer, Susan Snyder and Sam Wood

Inquirer Staff Writers

A man wanted on allegations he raped a 14-year-old girl and fathered her daughter was allowed to continue teaching math to eighth-grade boys at a privately run disciplinary school even after school authorities learned he had been arrested.

Arnesx Honore, 32, a teacher at the Hunting Park campus of Community Education Partners since 2003, was charged in 2006 with raping a minor. The charges were withdrawn, and school officials, who first became aware of the arrest during a routine records check last year, determined that it was a "domestic dispute," said Kevin Feeley, CEP spokesman.

School officials did not know the assault had involved a minor, he added. "We saw that the charges were withdrawn, and he remained employed," Feeley said.

But after those charges were dropped last year because the teenager was reluctant to testify, they were refiled a month later, in July. CEP, which the Philadelphia School District pays to run some of its disciplinary schools, did not know the charges had been refiled until this week, Feeley said.

Honore's picture was published Friday among those of the city's most violent fugitives, and CEP officials found out Sunday, Feeley said. The company suspended him this week. On Tuesday, police arrested him.

According to an affidavit of probable cause, Honore is accused of forcing her to terminate at least two pregnancies and, during the second, when she was 15, telling her that if she did not have an abortion he would "kick her ass and do it for her."

At the time she reported the crimes, authorities noted she was four months pregnant with another of Honore's children, but court records did not specify whether that child was carried to term.

On Aug. 2, 2006, while police were investigating, Honore allegedly went to her house and threatened to blow it up and kill her, her guardian and the daughter after finding out that the teenager was with another man, the affidavit said.

The case was scheduled for hearings four times, but the charges were withdrawn June 13, 2007, records show.

When the new charges were filed a month later, law enforcement authorities said, they did not know Honore was still working at the school.

His name was placed on a list of Philadelphia's 150 most-wanted violent fugitives that Police Commissioner Charles H. Ramsey and Mayor Nutter released Friday.

School administrators said they had called police after discovering Honore on the list.

Community Education Partners operates three schools for disruptive and low-performing students in the city under a 2000 contract.

Hunting Park serves 1,200 students with disciplinary problems. It is at Front Street and Hunting Park Avenue.

**Induced Abortions Performed in Pennsylvania to Females Age 12 and Under
by County of Residence, Pennsylvania Residents, 2001 - 2005**

<u>County</u>	<u>2005</u>	<u>2004</u>	<u>2003</u>	<u>2002</u>	<u>2001</u>
All Counties	6	6	8	8	12
Allegheny	0	0	1	3	1
Beaver	0	2	0	0	0
Berks	0	0	0	0	2
Delaware	0	1	0	0	0
Erie	0	0	0	0	1
Franklin	1	0	0	0	0
Luzerne	0	0	0	1	0
Philadelphia	5	3	7	2	6
Somerset	0	0	0	0	1
Washington	0	0	0	1	1
York	0	0	0	1	0

Source: Pennsylvania Department of Health, Bureau of Health Statistics and Research

COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF HEALTH
HEALTH STATISTICS

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RESIDENT BIRTHS BY AGE AND RACE OF MOTHER, SEX OF CHILD
YEAR OF BIRTH, AND COUNTY, PENNSYLVANIA, 2002-2006

RACE AND SEX	TOTAL BIRTHS	UNDER 15	15-19	20-24	25-29	30-34	35-39	40-44	45+	UNKNOWN
STATE TOTAL										
WHITE MALE	285,289	190	19,258	57,626	78,725	80,243	40,668	7,927	422	230
WHITE FEMALE	270,249	168	17,813	54,667	74,486	76,477	38,355	7,687	373	223
BLACK MALE	51,517	281	10,087	16,225	11,912	7,789	4,080	978	73	92
BLACK FEMALE	49,916	289	9,551	15,544	11,688	7,705	4,005	985	57	92
OTHER MALE*	29,850	71	3,214	6,742	8,079	6,965	3,049	662	35	33
OTHER FEMALE*	27,409	62	3,159	6,314	7,600	6,708	2,923	584	29	30
TOTAL	725,798	1,106	65,085	160,940	195,527	187,996	94,219	19,078	1,004	843

* OTHER = ALL OTHER RACES OF MOTHER, MALE AND FEMALE

NOTE: UNKNOWNNS INCLUDED IN TOTALS

CONSISTENT WITH NATIONAL GUIDELINES, BIRTH RECORDS PRIOR TO 2003 WITH A WRITE-IN OF
HISPANIC FOR RACE WERE CODED TO WHITE. STARTING IN 2003 THESE RECORDS WERE CODED AS OTHER.

Pennsylvania	2007	1-9	Total	All Races	6	1,343,536	ND	ND	ND
Pennsylvania	2007	<10	Total	All Races	55	1,492,113	3.7	2.7	4.7
Pennsylvania	2007	10-12	Total	All Races	17	477,646	3.6	1.9	5.3
Pennsylvania	2007	13-14	Total	All Races	714	329,399	216.8	200.9	232.7
Pennsylvania	2007	10-14	Total	All Races	731	807,045	90.6	84.0	97.1
Pennsylvania	2007	15-17	Total	All Races	7,662	543,055	1,410.9	1,379.3	1,442.5

Source: Pennsylvania Department of Health, Bureau of Communicable Diseases

2007 PA Statistics – Chlamydia

Pennsylvania	2007	<1	Total	All Races	8	148,577	ND	ND	ND
Pennsylvania	2007	1-9	Total	All Races	3	1,343,536	ND	ND	ND
Pennsylvania	2007	<10	Total	All Races	11	1,492,113	0.7	0.3	1.2
Pennsylvania	2007	10-12	Total	All Races	5	477,646	ND	ND	ND
Pennsylvania	2007	13-14	Total	All Races	147	329,399	44.6	37.4	51.8
Pennsylvania	2007	10-14	Total	All Races	152	807,045	18.8	15.8	21.8
Pennsylvania	2007	15-17	Total	All Races	1,461	543,055	269.0	255.2	282.8

Source: Pennsylvania Department of Health, Bureau of Communicable Diseases

2007 PA Statistics – Gonorrhea

STATE	YEAR	AGE	SEX	RACE	COUNT	POP	RATE	L	U
Pennsylvania	2006	<1	Total	All Races	30	144,079	20.8	13.4	28.2
Pennsylvania	2006	1-9	Total	All Races	10	1,353,060	0.7	0.3	1.1
Pennsylvania	2006	<10	Total	All Races	40	1,497,139	2.7	1.9	3.5
Pennsylvania	2006	10-12	Total	All Races	39	479,836	8.1	5.6	10.6
Pennsylvania	2006	13-14	Total	All Races	743	336,528	220.8	204.9	236.7
Pennsylvania	2006	10-14	Total	All Races	782	816,364	95.8	89.1	102.5
Pennsylvania	2006	15-17	Total	All Races	7,358	548,889	1,340.5	1,309.9	1,371.1

Source: Pennsylvania Department of Health, Bureau of Communicable Diseases

2006 PA Statistics – Chlamydia

Pennsylvania	2006	<1	Total	All Races	3	144,079	ND	ND	ND
Pennsylvania	2006	1-9	Total	All Races	8	1,353,060	ND	ND	ND
Pennsylvania	2006	<10	Total	All Races	11	1,497,139	0.7	0.3	1.1
Pennsylvania	2006	10-12	Total	All Races	8	479,836	ND	ND	ND
Pennsylvania	2006	13-14	Total	All Races	140	336,528	41.6	34.7	48.5
Pennsylvania	2006	10-14	Total	All Races	148	816,364	18.1	15.2	21.0
Pennsylvania	2006	15-17	Total	All Races	1,479	548,889	269.5	255.8	283.2

Source: Pennsylvania Department of Health, Bureau of Communicable Diseases

2006 PA Statistics - Gonorrhea