

Testimony before the House Judiciary Committee on SB 150

Tuesday, November 12, 2013

By Diane Moyer, Legal Director, Pennsylvania Coalition Against Rape

Good Morning Chairman Marsico and Chairman Caltagirone, members of the Committee. I would like to thank you for inviting me to testify on the importance of this legislation to victims of sexual violence. I would also like to take this opportunity to commend the diligence and knowledge of Judiciary staff as we work through these critical issues together.

On behalf of the 50 rape crisis programs that comprise our network of caring and healing for victims and their families, I would like to officially express our support for pre-conviction DNA testing of sex offenders. Our Social Action Committee recommended endorsement of this legislation after thoughtful discussion, and our Board accepted the Committee's recommendation by endorsing this bill as part of our legislative agenda.

I need hardly expound on the U.S. Supreme Court ruling supporting such legislation, or the evidence of 26 other states that have enacted this legislation. What I can do is explain to the committee the impact of this bill to the people whom we are privileged to serve.

One of the most terrifying prospects that a sexual assault victim has to face is not knowing who their offender is or where their offender is. There is a part of victimization that changes your world view, in that the world never looks the same way again. There is an extra vigilance when walking or driving or going to a new place. There is a mistrust of one's visceral judgment of the trustworthiness of people. There are sights, sounds and smells that can trigger a re-living of the experience. Victims say that they will never feel safe again.

This feeling of fearfulness is particularly intense and unrelenting if an offender is a serial rapist or has not been found. One of the ways in which public policy can remedy this grim world vision is to use modern technology to identify and prosecute offenders.

Many rapists also commit other crimes. Rapists often lack empathy and have an exaggerated sense of what they are entitled to, socially inappropriate behavior and blurred personal boundaries. These factors, when taken together, often result in the appearance of these individuals in criminal justice databases, fingerprint or DNA.

I would ask you to imagine for a moment what a relief it would be to a victim to discover prior to trial that the offender can be held for prior unresolved crimes. This bill would certainly help to mitigate the fear of not being believed in this instance.. Also, how many cold hits will law enforcement be able to pursue to stop an offender who has moved from state to state to avoid capture.

I do not believe that law enforcement arrests individuals for serious crimes without just cause. They are simply too professional and too well trained and too caring about victims to arrest someone without the proper information.

The simple matter is, with pre-conviction DNA testing, the Commonwealth can catch serial offenders, mitigate the emotional horror of victimization, and all with a simple swab. People have willingly given their fingerprints for hundreds of years without constitutional concern for privacy. DNA testing, to the best of my knowledge, is a more accurate method of identification and can even serve to exonerate the innocent, due to the highly specific scientific analysis.

Although I am not an expert in science, I can truly see how important this testing will be for law enforcement, for victims, for prosecution and for families. Any method to ensure the safety of our communities from predators must be our highest duty and priority.

Thank you for attention and I humbly ask for swift passage of this critical legislation.

Respectfully submitted,

Diane Moyer, Esq.

Pennsylvania Coalition Against Rape