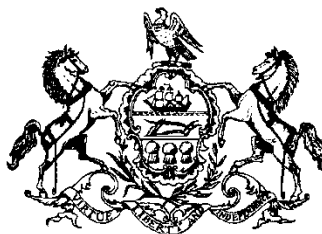


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**MEMORANDUM**

**Date:** June 23, 2009  
**To:** All House Members  
**From:** Representatives Cherelle L. Parker (200<sup>th</sup>) and Kate Harper (61<sup>st</sup>)  
**Subject:** Co-Sponsorship: Expert Testimony in Sexual Assault Cases

In the near future, we plan to re-introduce legislation, formerly HB66 of the 2007-08 Legislative Session, that permits the use of expert testimony in criminal proceedings involving sexual offenses.

Under the proposal, expert testimony regarding any recognized form of post-traumatic stress disorder and counterintuitive behavior on the part of a victim will be admissible. Pennsylvania is the only state that continues to adhere to a ban on expert testimony about behaviors of sexual assault victims.

The Pennsylvania Supreme Court has held that in sex crimes expert testimony improperly bolsters the credibility of victims and is inadmissible. The court has ruled that jurors can determine if a witness is telling the truth, and therefore there is no need for expert testimony that addresses issues about post-traumatic stress disorder and other common psychological reactions to trauma, including why victims delay reporting sexual abuse, why they have incomplete or inconsistent memories of an incident, or why they do not always physically resist or escape. This legislation will overturn the ban on this expert testimony.

This change is needed in our state law to provide jurors with the proper context to evaluate a victim's behavior and overcome myths and misunderstandings about the behavior of victims of sexual crimes.

If you are interested in co-sponsoring this legislation, please contact Germaine Brown in my office via email at [gbrown@pahouse.net](mailto:gbrown@pahouse.net) or at 717-783-2178.

Previous co-sponsors: HARPER, ADOLPH, BENNINGTON, BRENNAN, CLYMER, CURRY, FRANKEL, GOODMAN, HARHART, HARRIS, HENNESSEY, HESS, HORNAMAN, JAMES, JOSEPHS, KILLION, KOTIK, MANDERINO, McILHATTAN, MENSCH, MICOZZIE, R. MILLER, MURT, M. O'BRIEN, PHILLIPS, ROEBUCK, ROSS, RUBLEY, K. SMITH, SURRA, J. TAYLOR, VEREB, WATSON, WOJNAROSKI, YOUNGBLOOD, CONKLIN, McILVAINE SMITH AND GIBBONS.

