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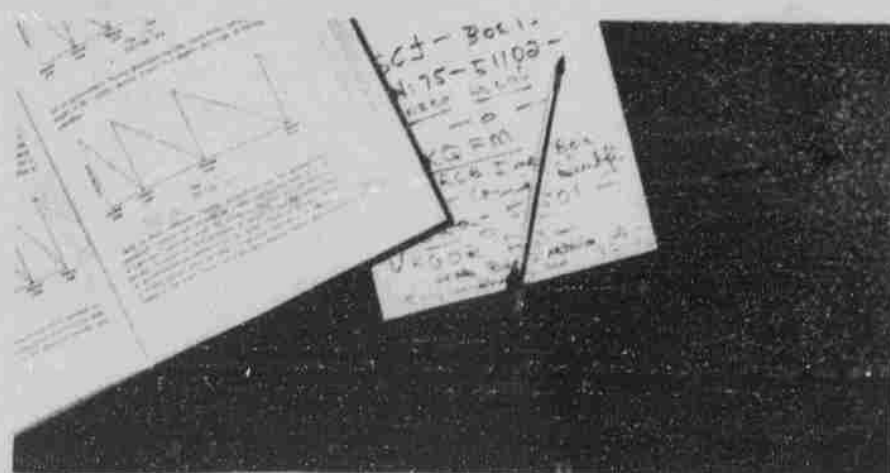


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Legislation proposed

Rape bill discussed

By Jim Zalewski

Legislation concerning rape and sexual assault drew most of the attention at the Women's Lobby Legislative Workshop held Saturday at the Unitarian Church, 6300 A St. The Women's Lobby is advocating the deletion of the word "rape" from Nebraska's lawbooks and the substitution of the words "sexual assault" with LB 23, according to Karen Flowers representing the Lincoln Coalition Against Rape.

"Rape is an assault and should be treated as such," Flowers said. "An assault can be committed by anyone upon anyone."

Flowers said that current laws say a threat of brutal force is necessary to constitute a crime of rape. The proposed law would make force, threat of force, deception or coercion grounds for a rape charge, she said.

Legal recourse

The new terms would provide legal recourse for women raped because they were intoxicated or subjected to mental anguish, she said. Previously, unless force was used, women in these situations had no recourse, she said.

"We hope the judge will start to consider the amount of physical and mental damage involved," she said.

LB 23 also includes a provision for lowering the age for victims of statutory rape to 12, although "it is not something to lose the bill over," said Flowers. State law now sets the age at 15.

Current court and investigation procedures discriminate against women involved in rape cases, said Flowers and Sherry Farrar, a Lincoln policewoman.

"Reporting a rape is not easy for a woman to do," Farrar said. "The victim is first given a physical examination, and then is questioned by doctors. She is then questioned by police and asked by police to prepare a written statement. It is a long process and one that is not easy for a woman to undergo."

If no discrepancies in the evidence exists, Farrar said the victim and the defendant are frequently asked to take a lie detector test. The woman takes the test first, she said. If she refuses to take the test, chances are her case will not get to court.

Flowers said this is discriminatory, because she said it is a constitutional right for a person to refuse to take a lie detector test.

"This implies that women can't be trusted," she said. "If the law was changed, it wouldn't necessarily mean more convictions, but more cases would get to court."

Flowers said that now it is legally insufficient to sustain a conviction for rape solely on the testimony of the victim.

Sexual history

Police investigation of the sexual history of the victim also was criticized by Flowers.

"The guidelines shouldn't include the past history of the victim," she said. "It is relevant only in a very narrow set of circumstances, though prior activity with the accused would be relevant."

The time taken to report a rape case should not be held against the victim, Flowers said.

"Just because a woman waits a day or two doesn't mean her case shouldn't go to court," Farrar said. "I can't imagine a woman wanting to go through investigation by the police, county attorney and the court if she wasn't telling the truth."

Flowers also said the rape victim is often discriminated against if she complies in order to avoid physical or other dangers.

State coordination

State Sen. Shirley Marsh of Lincoln also addressed the workshop and spoke about the need for coordination of human services in the state.

Marsh said LB 373, introduced Friday by Lincoln Sen. Wally Barnett, would create a department of children and youth and a youth advisory council.

"The purpose of the bill," Marsh said, "is to establish an agency of state government to plan, provide, and promote services for youth."

Marsh said the bill attempts to create an agency to prevent many potential offenders from committing future crimes.

"We pay for the services and costs of the pen," she said. "Why not spend the money to prevent it at an earlier date? We don't provide the services at the time they are needed."

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