

DOUG REICHLEY

For

STATE HOUSE

Good Morning. Late last month, many of us read the disturbing articles which revealed a pattern of physical and sexual assaults on a school bus involving teenage boys and girls in the East Penn School District. These kinds of incidents are obviously not limited to the East Penn School District, but are reflective of an attitude that has apparently become all too prevailing. Some individuals have developed a mindset which involves pushing the limits of acceptable behavior, and counting on peer pressure and fear to prevent any reprimands or punishment.

Today, I am calling on the State Legislature to pass a bill which would enhance the penalties under the Crimes Code for physical and sexual assaults which are committed on school property or on a school transportation vehicle. By passing such a bill, the Legislature will fill a gap that currently exists in the law which does not recognize the seriousness of attacks on teenage girls and boys.

Under current statutes, a simple assault by an adult which causes substantial pain or physical impairment against a victim who is 12 years old or less is graded as a misdemeanor of the first degree, carrying with it a maximum penalty of five years in prison and a \$10,000 fine. Likewise, an indecent assault, which is defined as touching of the sexual or intimate parts of another for the purpose of arousal or gratification of a sexual desire, is only upgraded to a misdemeanor of the first degree if the victim is 13 years old or less.

My proposal for increasing the penalty for simple assaults or indecent assaults committed on school property or on school vehicles is meant to supplement these enhanced penalties by addressing the group of students who are in the age group from 12 years old and up. As we are all aware, this group of potential victims are at a time in their lives when they are becoming the most aware of the physical aggression and their own human sexuality. This newly acquired awareness often leads to assaults of many different types. Although the victims of the incident on the school bus in the East Penn School district were in the currently protected age group, it makes little sense to lessen the protection offered to teenage boys and girls who often encounter their most intimidating assailants on schoolyards and buses after turning 12.

The enhanced penalty I am calling for would apply to any simple assault or indecent assault on a victim, regardless of age, if the criminal act is committed on school property, including athletic fields and campus grounds, or on school transportation vehicles. This amendment would only apply to assaults on students, because teachers and school personnel are part of a protected class under the felony Aggravated Assault statute. This provision is consistent with other sentence enhancements which entitle prosecutors to seek harsher penalties for armed assaults which occur on a public transportation vehicle, for assaults or thefts from the elderly, and for assaults and sexual contact with younger victims. Lastly, my suggested additions to current statutes are needed to cover those types of assaults which may not cause the kind of serious injury or severity of sexual

assault that would be covered in those portions of the Crimes Code already on the books, but which are still very traumatic and disturbing to the victims.

Some may ask why these specific amendments are needed. Two weeks ago, the Pennsylvania Department of Education released statistics which reported a 13 percent increase in the number of violent incidents in our Commonwealth's public schools during the year covering from 2000 – 2001. Violent incidents increased by over 4,000 occurrences from the previous year, with an 11% increase in the number of offenders. These statistics underscore the need to address the cycle of violence that takes place every day in school hallways, on buses, and on recess yards. Additionally, by taking this step, it is my hope that no parent will dismiss the effect of a beating or sexual assault on the victim as mere horseplay. Parents should understand in no uncertain terms that children who commit assaultive acts in schools may, at the discretion of police, prosecutors, and school officials, be treated as criminals and not just as neighborhood bullies who are to be tolerated as a maturing experience. School violence and sexual assaults detract from the educational efforts of our public schools and must be reduced to ensure that learning is the prime focus of all students, teachers, and administrators.