

House bill would make rape law gender neutral

By Carrie Dennett
Emerald Reporter

A new bill in the state Legislature is drawing both praise and criticism on a deeply personal and sensitive issue — it would allow prosecution of females for rape.

House Bill 2544 would change the language of the existing state law from being gender specific to being gender neutral.

The bill's creation was prompted in part by a call Rep. Peter Courtney, D-Salem, received from a police officer in Jefferson County about a case involving the sexual abuse of a male child by an adult woman.

"This woman was doing something to a child, and it amounted to rape," Courtney said.

The police were limited, he said, because there is no provision of the commission of rape by a woman, and the charges they could bring against her did not carry the same penalties.

"If an adult female engages in sexual intercourse with a young boy it is considered sexual abuse," said Russ Spencer, a lobbyist for the Oregon Sheriffs Zero Crime Tolerance PAC.

On the other hand, if an adult male engages in sexual intercourse with a young girl, it

is considered rape.

Rape is a Class A, B or C felony, while sexual abuse carries only a Class C felony down to a misdemeanor charge.

"There is an obvious disparity," Spencer said.

Despite an apparent contradiction in the severity of the



charges, some believe that changing the definition of rape is not the correct response.

"There's no reason to call that rape," said Holly Stegner, a member of the University's Unwanted Sexual Behavior Task Force.

If the sexual abuse laws are not strict enough, she said, then they should be strengthened, rather than removing gender from the rape statutes.

"To have it degenderized is

to ignore the concept in which rape occurs," said Jo Triglio of the ASUO Women's Center. "You're losing something very historical and contextual about rape."

Spencer said the Sheriffs Association formed a task force to determine what the biggest problems are, and to push for some significant measures on sexual assault during this legislative session.

A substantial part of the bill's birth came out of this task force, made up of sheriffs, deputy district attorneys and detectives, all with experience dealing with sexual assault cases.

"We were seeing a progressive increase in cases where adult women were engaging in sexual intercourse with young boys," Spencer said.

Courtney, one of the bill's sponsors, said the bill "significantly states for the law in Oregon that the rape of anyone by anyone is heinous and inexcusable."

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able. This makes it more serious and encompassing law.

"Rape is a crime of violence," he said. "A woman could do the same thing to a male child."

Spencer said it is a commonly held belief that women cannot rape men, because if a man has an erection, it implies consent.

However, he said it has been medically substantiated that an erection is a physiological response, and does not necessarily mean the male is aroused, just as the presence of vaginal lubrication does not necessarily indicate female arousal.

Triglio said that the new bill could be construed as a "get even thing."

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By GARY LARSON



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