

SPEAKER MARVEL: Excuse me, you need to state your (interruption).

SENATOR DWORAK: Senator Fowler stated that I specifically made a statement last year and he is misinformed on and he is mistaken in what I said and I would like to correct the record.

SPEAKER MARVEL: Okay.

SENATOR DWORAK: Senator Fowler said that last year I said other states had passed this type of legislation. I don't know whether any other state has passed this legislation. I couldn't have last year or this year said that other states have or have not passed this type of legislation. That is a pure misstatement of fact because I don't even have that knowledge today. So I am sure I did not say other states passed this form of legislation. I may have said that I don't know of any companies offering this specifically because I don't know of any companies offering this specifically but I have never sampled the market and there are virtually thousands of insurance companies offering thousands of variations of coverages and there may well be a company that would be willing to offer this.

SPEAKER MARVEL: Senator Vard Johnson and then Senator Wesely and then Senator Chambers and then Senator Labeledz. Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I think that heretofore the Haberman amendment has been cast in the terms of rape or incest, but as the amendment was being read, I believe that the expression used for rape was sexual assault. Is that not correct, Senator Haberman? Now in looking in my statute book as to the definition in the Criminal Code of sexual assault, our statutes provide this. "A person shall be guilty of sexual assault in the first degree when such person subjects another person to sexual penetration and overcomes the victim by force, threat of force, expressed or implied, coercion or deception, or knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or", and this is what is the most important to me, "the actor is more than eighteen years of age and the victim is less than sixteen years of age." That is an old statutory rape holdover. What it means very simply is that if we have a young child fifteen years or less who is seduced, who is seduced by a young man eighteen years or more, then that woman, that young child is a victim of a sexual assault and that young child under the Haberman amendment would be protected at least in terms of publicly funded group insurance coverage and I think that