

therefore in favor of what the bill is trying to prohibit, but there were some very direct questions that I put to those who were defending the bill and supporting it and they gave some of the answers which I shared with you earlier, but I still have a level of discomfort about the bill. Or let me not say discomfort, I'm somewhat uncomfortable because of the fact that the issue of proof is so fluid and the area is murky but in line 20 of page 2 of Senator Landis's amendment we have these words. It begins in line 20. "The victim need only resist either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent." Now this may seem to contradict what I had said a few minutes ago but the better a man knows a woman the more easily she should be able to establish her lack of consent without having had to fight because he would know, but she still has to do something which provides a basis of objective evidence that the act was committed. Rape has to be proved beyond a reasonable doubt and every element has to be proved. The difficulty is in the area of consent or lack of consent. If there is no consent, even though it may be difficult to prove, that would constitute the crime. I don't really know what threat of force means, but again that is a matter of proof, and if the threat cannot be proved beyond a reasonable doubt, then the act would not fit under what constitutes the crime. I'm not going to ask Senator Landis questions about his bill right now because we're not into that aspect of it. We're still just kind of dancing around the edges and I'm trying to improve the language and what this amendment that I'm offering would do is to strike "shall mean", I think I heard a Bronx cheer under the balcony but that's all right, there are three lines where I would strike the words "shall mean" and substitute "means". That's what this amendment would do. So in lines 8, 10, and line 6, and if you're following Senator Landis's amendment from the Journal the first one would be on page 1472. But I would like to ask Senator Landis a question.

**SPEAKER WITHEM:** Senator Landis, Senator Chambers has a question.

**SENATOR CHAMBERS:** Senator Landis, other than the examples that I tried to give, in lines 15 and 16 where it's talking about expressed a lack of consent through conduct, can you think of any other instances? Mine was where maybe the person could...okay, if you were following me, you know the example I