

us. It shouldn't be too easy to implicate somebody in a crime of this nature and I'm wondering if that's what's being done with this language. I'm not prepared to say that it is, but there are people who have the opinion, as these defense attorneys say in their letter, that it may make prosecutions more difficult. That is not precisely what is troubling to me. At best, these cases are difficult to prove. We used to have in the law, I believe, a requirement that there be corroboration, meaning that there must be some objective evidence other than what the woman testifies to and the factors surrounding the incident before there could be a conviction for this particular crime and that was done away with. So now we're left with a situation where, in some cases, it's the woman's word against the man's word. The law does allow the situation, which seems rational on its face, starting in line 24 of page 2, and I'm saying this for the record more than anything else, a victim need not resist verbally or physically where it would be useless or futile to do so. I'm wondering why she need not even say anything and I don't see Senator Landis, but if he's anywhere near that's what I want to ask him about because now we are talking about very specific aspects of the bill. If there's somebody, oh, okay, Senator Landis, here's the question that I'm asking as you come to your mike.

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

SENATOR CHAMBERS: On page 2 in lines 24 and 25 near the bottom of the page, it says a victim need not resist verbally or physically where it would be useless or futile to do so. Let me say something initially. The physical part I can understand, but if she's able to speak we know that saying "no" is futile. I meant that's not going to stop him. But why should we have a situation where she doesn't have to say anything? Let's say that the man is as big as Mike Tyson and as strong as Mike Tyson and she is as small as a feather. Should the mere disparity in their sizes be enough to say, well, she didn't even have to say "no" because he wouldn't have listened anyway? That's where I'm coming from, so if you could tell me...

SENATOR LANDIS: Sure.

SENATOR CHAMBERS: ...why "verbally" is in there.

SENATOR LANDIS: I think it relates primarily, Ernie, to line 13