

Bob Dole



NEWS

U. S. SENATOR FOR KANSAS

FROM:

SENATE REPUBLICAN LEADER

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VIOLENCE AGAINST WOMEN & CHILDREN: DOLE MEASURES ADOPTED

GET TOUGH WITH CRIMINALS, GIVE VICTIMS JUSTICE THEY DESERVE

Washington -- The U.S. Senate Friday morning adopted an amendment proposed by Senate Republican Leader Bob Dole that would allow the admission in court of evidence of similar crimes in the federal prosecution of sex crimes or child molestation cases. Dole's amendment to the crime bill was approved by a vote of 75-19.

The crime bill also now includes additional provisions advanced by Senator Dole to fight violence against women.

HIV Testing & Sentencing of Sex Offenders

At Senator Dole's insistence, the bipartisan crime bill agreement was modified Thursday night to include a provision allowing for the HIV testing of persons charged with violent crimes against women. Such testing would be permitted when a court determines that it is necessary to provide information about the health of the victim, and that there was a risk of transmission of the HIV virus.

A second provision adopted Thursday night directs the U.S. Sentencing Commission to make recommendations for revising the sentencing guidelines for offenses in which an HIV-infected individual engages in sexual activity knowing that he or she is infected with HIV and intends to expose another person to the virus.

Commission on Violence Against Women

A third provision establishes a National Commission on Violence Against Women. This 12-member bipartisan panel is designed to bring together the best minds in law enforcement and domestic violence.

Admit Evidence of Similar Sex Crimes

The following are excerpts of remarks made by Senator Dole on the Senate floor Friday in support of his similar-crimes evidence amendment:

Ask any prosecutor, and he or she will tell you that the willingness of the courts to admit similar-crimes evidence in prosecutions for serious sex crimes is critical to effective prosecution in this area. In a rape case, for example, disclosure of the fact that the defendant has previously committed other rapes is often crucial, as the jury attempts to assess the credibility of a claim by the defense that the victim consented and that the defendant is being falsely accused.

The importance of admitting this evidence is still even greater in child molestation cases. These cases often hinge on the testimony of child victim-witnesses, whose credibility can readily be attacked in the absence of other corroborating evidence. In such cases, it is crucial that all relevant evidence that may help shed some light on the credibility of the charge be admitted at trial.

Unfortunately, the federal rules of evidence reflect a general presumption against admitting evidence of uncharged offenses.

One exception to this general presumption can be found in rule 404(b), which allows evidence of other "crimes, wrongs, or acts" to prove "motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake."

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