

Senator: Bill would ease trauma of rape victims

02/09/98

The Associated Press

NASHVILLE -- Tennesseans alleging sexual abuse or rape could hide behind one-way glass as they testify in court, under legislation proposed by Sen. Tommy Burks.

That way the defendant could see the accuser but the plaintiff doesn't have to face the alleged abuser.

The bill also would allow a judge to limit the number of people in the courtroom during an alleged victim's testimony. Only essential court officers, the court reporter, judge, district attorney, jury, defendant and that person's attorney would remain.

"I think many, many -- more than we will ever know -- child molesters are walking because parents don't want to put the child through the trauma of what they have to go through in court," said Burks, D-Monterey.

A state law passed several years ago allowed children who allegedly had been sexually molested to testify by videotape. The law was declared unconstitutional on the grounds that a defendant has a right to face his accuser.

"I tried to think of something we can do," Burks said. "This thought hit me if a person can face their accuser and the victim doesn't have to see them and be intimidated" that might meet constitutional requirements, he said.

Criminal defense attorney David Raybin doesn't think so.

"You can't clear the courtroom in criminal cases because the constitution requires public trials," Raybin said. "About 500 years ago, English kings cleared the courtrooms whenever they wanted to. We put it in our constitution that you can't do that."

Copyright 1998 The Associated Press