

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

Special Report on the Family Legislation

General Assembly 2008

It's time to focus on family legislation!

Much is discussed about pro-family legislation, but little is done in most Sessions. With focus, that could change this year!

When politicians talk about strengthening our infrastructure, they generally mean roads, bridges, parks, and dams. But the most important infrastructure of any society is its basic building block – the family. Wise lawmakers should be about the business of protecting and strengthening families.

Too often General Assembly sessions miss that point. Legislation seems to take care of everything except the family, yet healthy families are the answer to almost all of our societal ills.

When politicians talk about strengthening our infrastructure, they generally mean roads, bridges, parks, and dams. But the most important infrastructure of any society is its basic building block – the family.

I am not suggesting that state government become the "mother" of all families. *Heaven forbid!* Government *doesn't know* how to nurture marriage and raise children. But it should know how to create a healthy, open and free environment in which marriage, children and family can thrive.

Part of the problem is that legislators feel they have to personally provide "something" for their constituents that can

be measured in pavement or bricks or dollars. So distracted, they fail to rise to the higher call of protecting the family and letting the family do what it and it alone can do effectively – raise the next generation of Kentucky's citizens and leaders.

I submit that Kentucky families should join together this session and give encouragement, support and even leadership to their duly-elected senators and representatives in order to get something done for the family in Frankfort. The Family Foundation







staff has compiled five pieces of legislation and one issue that need your legislators' attention. And the best way to help a legislator to focus his/her attention to a bill or issue is for their constituents back home in the district to share their concerns.

More succinctly: "Legislators will see the light after they feel the heat."

It's a matter of focus . . . If we focus, they will focus.

Imagine if the Kentucky General Assembly passed just five pieces of legislation on behalf of the family for each of the next ten years – that would be 50 pieces of legislation that without doubt would make a huge difference in a state "family-friendly" barometer!

We've surveyed legislation that has been initiated by both Republican and Democrats, both Senators and Representatives. Here's what we offer for your consideration and your support:

-  Better protection of marriage from crafty redefinition efforts
-  Better protection of children from sexual predators
-  Better protection of the unborn and their mothers
-  Better protection of our communities from sexual businesses
-  Better protection of our teens from predatory teachers
-  And last, *but not least*, full protection in Kentucky from the ravages of



Kent Ostrander is the Executive Director of The Family Foundation

the casino industry by stopping them before they even get here. Sure, there are other good pieces of legislation. But would you work to make these focal points for lawmakers? Let's work together and kill the move to bring casinos into Kentucky and pass the other five bills. That's one issue and five bills – the "Family Pack" for 2008!



Proposed legislative focus



House Bill 118 and Senate Bill 112: Each of these bills will deal with the business left over from last year's General Assembly sessions – the effort to create "partner benefits" at state universities. [Page 2](#)



Senate Bill 40: Will fill in the gaps in current legislation that focuses on the sanctity of life and the well-being of women. This bill has already passed the Senate and is now being considered in the House. [Page 3](#)



Issue: Casinos in Kentucky – This issue likely offers the greatest threat to Kentucky families. Not only do casinos target their assets, but the values of that industry have little in common with family values. [Page 4-5](#)



House Bill 235: This bill is designed to stop the trend of teachers getting sexually involved with their students. It raises the age of consent from 16 to 18 when the teen is relating to an authority figure. [Page 6](#)



Senate Bill 63: With 114 of Kentucky's 120 counties already passing regulations for sexually oriented businesses, this bill bolsters their efforts, offering an overarching statewide ban on performing totally nude. [Page 7](#)



House Bill 211: This bill is similar to HB 235 in that it addresses the sexual abuse of minors by an authority figure over them. The bill increases penalties and extends the statute of limitations for prosecution. [Page 8](#)



Suggestions for engaging the six "Family Pack" bills

Listed below are several suggestions to help move the focus to the six issues/bills of the "Family Pack." Because this publication is a one-time effort, you may want ongoing updates on how the session is progressing. Email us at tffky@mis.net and we will email you weekly updates.

- #1** Call the message line *ON EACH ISSUE*: 1-800-372-7181. A receptionist will take your message and give it to your legislators on a "green slip."
- #2** Husbands and wives should *BOTH CALL!* The more green slips your legislator receives, the more he's likely to act to engage the legislation.
- #3** Multiply your impact by asking friends, church members and neighbors to call. That's more green slips! [\(More suggestions on page 6\)](#)

For more information, go to: www.kentuckyfamily.org

For weekly legislative updates, email us at: tffky@mis.net

To volunteer or for a speaker, call us at: **(859) 255-5400**

Barring “partner benefits” at state agencies

Rewarding sex outside of marriage with benefits is beyond the pale of reasonable and responsible public policy.

The controversy over “partner benefits” at the University of Louisville and the University of Kentucky emerged as the top family issue in the 2007 General Assembly and Special Sessions. Clearly, government agencies have no business rewarding sex outside of marriage. Yet that is exactly what the policies at the two universities were crafted to do.

The battle actually has its roots in the Marriage Protection Amendment that was overwhelmingly passed by a 75 to 25 percent margin in 2004. A better understanding of its passage is grasped when one realizes that more people voted “Yes” to ratify that amendment than had ever voted both “Yes” and “No” combined on any other constitutional amendment in Kentucky’s history.

But activists within the two universities, including individuals in the administrations, developed a strategy to circumvent the Marriage Protection Amendment by simply

The 2004 Marriage Protection Amendment

“Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.”



Special Session and the full Senate passed it once again, this time by a vote of 28-6. Unfortunately, the bill was killed a second time when House Leadership encouraged its members to leave the session without doing the Governor’s bidding. That course was presumably taken to help elect Gov. Beshear, who had stated earlier in 2007 that he was against the bill in order to secure gay and lesbian support for his campaign.

Democrat Attorney General Greg Stumbo, though a pro-gay marriage advocate when he served in the House, pledged *at the time* that he would take the universities to court if they didn’t comply with the Constitution. But he ended up endorsing Beshear and did not follow through on his commitment. On Feb. 5 of this year, Stumbo was re-elected to the House. His influence there could prove to be significant in the on-going debate.

McGaha has introduced the bill a third time – this time it is Senate Bill 112.

That gives House Leadership a two-fold problem. Conservative Democrats, who favored the bill but followed their Leadership in 2007, want a law passed *now* and have signed on in droves as co-sponsors to House Bill 118, an identical version of SB 112. Even the legislator who walked out of the committee in 2007 to kill SB 152 – Rep. Ancel Smith (D-Leburn), signed on as one of the *two primary sponsors*. But one must also consider that

Beshear, who is also a Democrat, opposes the bill and passing it would be an affront to him.

To make matters worse for the Democratically-controlled House, the Senate, predominately controlled by Republicans, has already passed Senate Bill 112, sending it to the House on Jan. 30. This is the third time the measure has passed the Senate and this time with its largest margin – 30-5.

The question is will Democratic House Leadership



HB 118 Co-sponsors:
Rep. RICHARD HENDERSON (l)
(D-Jeffersonville)
Rep. ANCEL SMITH (r)
(D-Leburn)



SB 112 Co-sponsors:
Sen. VERNIE McGAHA (l)
(R-Russell Springs)
Sen. GARY TAPP (r)
(R-Shelbyville)



creating legal affidavits designed to be marriage license facsimiles. All a live-in couple had to do was sign the affidavit and insurance benefits, like those granted to married couples, would be offered.

The plan was to let the Marriage Protection Amendment stay in the Constitution but simply ignore it, setting in motion a systematic takeover of the policies of various state agencies to the end that all were recognizing opposite-sex and same-sex sexual partners and offering them benefits. This legal creation and recognition of such relationships and the awarding of benefits would be, in effect, the establishment of non-traditional “marriage.”

However, what such proponents ran into was the clear intention of the Marriage Protection Amendment, particularly as declared in its second phrase, as well as a wall of public opinion that firmly said, “Don’t mess with marriage.” (See inset for amendment language.)

In the 2007 General Assembly, Sen. Vernie McGaha introduced Senate Bill 152, which clarified that no state agency would be about the business of granting marriage benefits to unmarried couples. The bill passed the Senate on Feb. 15 with a vote of 27-8-1, but died in a House committee when House Leadership pressured the legislator with the key swing to violate his own district’s beliefs and walk out of a committee meeting, thus forcing the vote into an 8-8 tie, which killed the measure.

McGaha reintroduced the bill as SB 5 in the July 2007

Action Insight

SB 112 and HB 118 are identical. SB 112 has already passed the Senate and only has to pass the House for the law to be enforced. But Party differences may make the House members want to push HB 118 while letting SB 112 die. In addition, some House members want both bills killed. Therefore, we recommend that both bills should be listed when you call. (See Action box right)

ACTION!!! *One call, Two steps:*

#1 Call the toll free legislative message line **1-800-372-7181** and leave the following message for your state representative. (If you don’t know who he/she is, the receptionist can tell you.):

“Protect Marriage — Pass SB112 or HB 118. Stop state universities and state agencies from re-defining marriage via benefits.”

#2 While you’re on the message line, ask the receptionist to “copy” your message to these HOUSE LEADERS: Representatives Jody Richards, Rocky Adkins, Rob Wilkey, and Charlie Hoffman.

House Leadership has killed this bill twice before. Make sure your representative *is working* to pass this bill.

Sanctity of life omnibus bill fills in the gaps left after years of sound legislative initiatives

Ranked 11th in the nation for states with the most comprehensive pro-life laws, this moves the Commonwealth even farther forward.

Thursday, Feb. 7 was an important day for Kentucky's pro-life advocates. At noon, supporters of life gathered in the Capital Rotunda to affirm their convictions of the right to life of the unborn. The rally followed the Senate Judiciary Committee meeting, where Senate Bill 40 unanimously passed the committee. That afternoon, SB 40 passed the full Senate vote with a wide margin of 32-4.

SB40, sponsored by Sen. Jack Westwood (R-Crescent Spring) includes three components meant to protect the unborn and their mothers in Kentucky. The bill would ban partial-birth abortion, require abortionists to give women an opportunity to see an ultrasound of their baby prior to an abortion and mandate face-to-face informed consent.

Ultrasound Requirement

Advances in ultrasound technology, including 3D and 4D digital video and still images, have provided a clear window into the womb. At all three abortion providers in Kentucky, abortionists are already giving mothers an ultrasound to determine the gestational age of the child. Abortion fees are determined based upon the gestational age because abortionists charge more to dismember a larger baby. The bill would require that the abortionist give a woman access to her own ultrasound so that she



can make a fully informed decision.

Currently eleven states include ultrasound requirements prior to performing an abortion. Women have a right to be fully informed, especially regarding the nature, appearance, and movement of the unborn baby that is the very target of the abortion procedure.

"What SB 40 says is that the abortionist has to turn the ultrasound screen around and give the woman a chance to see her own baby," said David Edmunds, policy analyst for The Family Foundation. "A large number of women who see an ultrasound will decide against abortion. With approximately 4,000 abortions in Kentucky annually, this measure has the potential to save 1,000 babies' lives, and, also important, save 1,000 women from making a decision they will regret the rest of their lives."

Partial-birth Abortion Ban

On April 18, 2007, the U.S. Supreme Court upheld the 2003 federal ban on partial-birth abortion. Along with most Americans, the Court heard testimony describing the grisly procedure. Partial-birth abortion occurs when a baby is partially delivered outside the womb, and then a needle is inserted into the base of the skull to terminate life.

The federal ban is enforced only through federal prosecutors. Therefore, SB 40 would codify the same ban at the state level and affect enforcement under the jurisdiction of Kentucky's attorney general. Banning partial-birth abortion is supported by more than 80 percent of the American people.

Face-to-Face Informed Consent

In 1998 the Kentucky General Assembly passed HB 85, known as the Informed Consent Law, which is codified in KRS 311.725. The law requires abortionists to

first counsel women about their medical risks, fetal development, alternatives to abortion, and to offer them booklets published by the Cabinet for Families and Children. The law also requires a 24-hour period of reflection prior to the performance of the abortion.

Abortionists have deliberately taken their liberty and misinterpreted the law, employing a pre-recorded telephone message, instead of in-person counseling. This approach does not satisfy the medical standard for informed consent. SB 40 requires that before an abortion can be performed, a woman must be given the relevant information about the procedure in person – in a *face-to-face* setting.

"The importance of a face-to-face or in-person medical consultation prior to consenting to a surgical procedure is a widely accepted medical standard of care," explained Mike Janocik of Kentucky Right to Life. "A pre-recorded telephone message does not allow a physician to accurately assess the health and risk factors of a patient."

Senate Bill 40 now moves on to the House of Representatives where supporters hope it will get a fair hearing, but where there are formidable adversaries. If SB 40 passes the House, Kentucky will likely move from its 11th ranking among states for strong pro-life legislation to one of the top five.



SB 40 Sponsor:
Sen. JACK WESTWOOD

*(R-Crescent Spring)
An 11-year
veteran of the
State Senate*



Ultrasound of a 9-week unborn child

Action Insight

SB 40 is a major step forward for the pro-life community in Kentucky. If your representative has said he is pro-life, then call on him to manifest his commitment by seeing that this bill gets heard on the House floor — not just in committee, but to the floor for a full vote of the House. It is common sense. It is not radical. And it's time for it to become law! (See Action box right)

ACTION!!! *One call,
Two steps:*

#1 Call the toll free legislative message line **1-800-372-7181** and leave the following message for your state representative. (If you don't know who he/she is, the receptionist can tell you.):

"Pass Senate Bill 40! Kentucky is a pro-life state and we need to have our laws match our convictions."

#2 While you're on the message line, ask the receptionist to "copy" your message to these HOUSE LEADERS: Representatives Jody Richards, Rocky Adkins, Rob Wilkey, and Charlie Hoffman.

This bill passed the Senate 32-4 on Feb. 7! It now needs to pass the House, where some members are quite hostile.

ANY introduction of casinos into Kent

They're singing the same old tune . . . only louder

Four major areas of Kentucky society will be impacted. Anyone who is not caught up pushing casinos can see the errors of the plan.

The fight to bring casinos to Kentucky has been raging in the Commonwealth for years. This session, because the new governor has gotten behind the plan, there has been more attention, more pressure, more political power and more money directed toward its passage. But as said in the old adage, "The more things change, the more things stay the same." The fact is very little has changed. Here are some examples:

The casino pushers have always promised more and more money in an attempt to "buy" support. (*That just happened with the Governor's new "casino fees."*); The pushers exaggerate each year how bad the situation is with the state budget. (*More whining from Frankfort this year than ever before.*);

Legislators, not wanting to lose any votes back home, abdicate their constitutional duty and say, "I'll let the people decide." (*Stand for your constituents, not just your re-election!*); And the people of Kentucky have yet to rise up and say, "What we *really* need to build a better Kentucky is a bunch of casinos where we can lose \$1.429 billion every year." (*As if that's what Kentucky really needs and what Kentucky citizens really want.*)

The Family Foundation's research continues to point out that Kentucky will lose badly in four major areas:

I. Kentucky families will be targeted

All the money casino pushers say they will "raise" *must be lost* by Kentucky families. Using *their* numbers, Kentuckians will have to lose \$1429 million dollars every year to reach the governor's alleged \$500 million for state government. (They always mention the \$500 million "raised," never the \$1.429 billion lost.) Kentucky families can't afford to lose that much.

"Casino pushers are in essence asking for a 'hunting license' for the assets of Kentucky families," said Kent Ostrander, executive director of The Family Foundation. "And the state, rather than protecting families, is considering selling it to them."

II. Businesses will lose

This is common sense. Very simply, when Kentucky families lose \$1.429 billion, that's \$1.429 billion that they cannot spend for clothing, school supplies, a new refrigerator, a new car or on a home. Businesses will suffer.

III. Government will be corrupted

This too is obvious. The casino owners, based on *their proposed figures*, will handle more money each year than is in the state's General Fund. They will "own" the legislature. How else would lawmakers in Nevada – lawmakers just like ours who also have daughters – vote to legalize prostitution in that state. *Answer: Because the casinos owners wanted prostitution and the legislators knew they would be "unelected" with casino dollars if they did not vote for prostitution.* (See related article "Are casinos already corrupting the Commonwealth?" on page 5.)

IV. The Vulnerable will be destroyed

Not all people will become addicted . . . but a great many will. These proposed casinos will create *conservatively* 60,000 *NEW* pathological gamblers and another 90,000 *NEW* problem gamblers. (*These are conservative*

estimates!) Each of the new 60,000 pathological gamblers, sociologists assert, will personally affect 12 other citizens negatively. (Do The Math! 12 times 60,000 = 720,000 citizens hurt) Each pathological gambler will cost society about \$13,000 *each year*. (Do The Math! \$13,000 times 60,000 = \$780 million.) By the way, the 90,000 *NEW* problem

gamblers will cost society \$2,500 per year each. (Do The Math! \$2500 times 90,000 = \$225 million.) [If you desire citations on these very conservative and *LOW* estimates, please contact us:

tffky@mis.net]

But besides the actual dollar costs, how can state government willfully bring an industry into that state that will create child neglect and child abuse; spouse neglect, spouse abuse and divorce; alcoholism; drug use; prostitution; depression and suicide; embezzlement, larceny, and imprisonment; and the inestimable pain



Shelton

and suffering of individuals and families whose childhoods and lives are literally lost because of the failing of a family member who is a pathological or problem gambler?

This push for casinos *can be stopped* and it *must be stopped!* We — together — will stop it!

The big constitutional deception

The casino industry has a number of tricks that they've used across the country.

The casino industry is using a deception that subverts the very core of the Kentucky Constitution. Our state constitution delegates all lawmaking decisions to the legislature and does not have a referendum process authorized. In other words, citizens don't vote in droves to decide policy matters; legislators decide in sessions of the General Assembly. Citizens simply decide every two years *who their legislators are*.

However, regarding constitutional amendments, citizens *do* have the final affirmation or denial of what the General Assembly has decided – ratification or rejection of the legislature's proposed amendment. But the legislature still decides the issue. Here's how:

With gambling expansion, legislators should vote "No" to kill the amendment as soon as possible. That way it will never move out of the Assembly and the issue goes away. But the gambling industry does not want that scenario!

If the casino industry twists enough arms in the legislature and they end up pressuring a "Yes" vote – passing the amendment, citizens still have a chance to kill it by voting "No" in November when they are asked to ratify or reject it.

The gambling industry is working very hard to have legislators vote "Yes" to move the amendment forward so

they can then use their enormous wealth to mount a campaign to manipulate Kentucky's citizens in a November ratification/rejection vote.

Specifically, casino pushers have asked your legislator to vote "Yes" to amend the Constitution to bring casinos into Kentucky and have instructed him to tell you he's voting to "Let you decide."

That way, the casino amendment moves forward out of the General Assembly and your legislator can hide behind "I voted 'Yes' to let you decide. I didn't vote for casinos."

Nice try. Your legislator should own up to the fact that a "Yes" vote is a "Yes" vote and he *voted "Yes" to bring casinos to Kentucky*. Some legislators have even said, "I'm going to vote for the casino amendment now and then vote against it in

November." The ultimate flip-flop . . . which is exactly what the casino pushers want!

"History will only report the number of 'Yes' votes to pass the amendment to bring casinos into Kentucky and the number of 'No' votes to stop the change in the Constitution," said John-Mark Hack of the *Say No To Casinos* campaign. "It will not count any 'I voted "Yes" to let the people decide' votes. Those are 'Yes' votes, pure and simple, and anyone who casts one is helping bring casinos into Kentucky."

"History will only report the number of 'Yes' votes to pass the amendment . . . It will not count any 'I voted "Yes" to let the people decide' votes. Those are 'Yes' votes, pure and simple, and anyone who casts one is helping bring casinos into Kentucky."

— John-Mark Hack
Say No To Casinos

ucky will be immensely harmful

Are casinos already corrupting the Commonwealth?

This business, which is currently illegal in Kentucky, is expanding its control with money and power politics.

Nationwide, the gambling industry has a notorious record of corrupting politicians with its money. Throughout its tumultuous history, dozens of gambling-based political corruption cases have been proven in courts. Now casino operators have their sights squarely set on the Commonwealth of Kentucky because they succeeded in getting a pro-casino governor elected.

An analysis of recent financial promises and campaign contributions to politicians reveals that casino operators have spent millions for access to Kentucky's political system. This latest activity shows a clear pattern of monetary promises and targeted contributions to all levels of government, from school boards to local government, from the state legislature to the Governor's Office.

Casino Contribution Initiatives

- **May 2005** – KEEP, the Kentucky Equine Education Project and casino advocacy group, promises local school boards and local governments new revenue from casinos at tracks.
- **November 2005 – 2006** - KEEP and other casino advocates pour more than \$100,000 into state legislative elections.
- **February 2007** – Democratic Gubernatorial candidate Steve Beshear announces his advocacy for casinos.
- **April 2007** – State Treasurer and gubernatorial candidate Jonathan Miller ends his campaign, endorses pro-casino candidate Beshear, and days later flies to Las Vegas for what he terms “personal business meetings.” Beshear appoints Miller to be Democratic Party Chairman.
- **2007** – Candidate Beshear raises \$7 million for his campaign, including huge sums from casino advocates.
- **2007** – Casino interests contribute \$489,500 to the Democratic Party's Kentucky Victory Fund.
- **2007** – Beshear supporter forms Bluegrass Freedom Fund, raises \$3.15 million to finance advertisements attacking Beshear's opponent and calling for governmental ethics reform. \$2.2 million of the “ethics reform” fund came from casino supporters, including \$1 million from a casino company CEO who recently lost his New Jersey license and was sued by investors for reckless management.
- **November 2007** – Beshear wins election, proclaims casinos can produce \$500 million in new taxes but his claim is unsubstantiated by all except casino advocates.
- **December 2007** – Several pro-casino individuals, including casino owners who have lost their operating licenses in two states, make \$10,000 donations to Gov. Beshear's \$766,000 inauguration celebration fund.

Casino Industry Return on Investment (or “Contributions to Kentucky Politicians”)

- **February 2006** – A state House committee approves a proposed constitutional amendment to allow casinos, refusing testimony from opponents. The full House rejects the bill.
- **December 2007** – Freshman State Rep. Brandon Spencer (D-Prestonsburg) suddenly and unexpectedly resigns, leading to the subsequent election of Greg Stumbo, the state's most radical pro-casino legislator.
- **January 2008** – Gov. Beshear releases his state budget proposal, calling for government agency funding cuts, suggesting casinos could provide new tax dollars.
- **January 2008** – Gov. Beshear repeats his projection that casinos will raise \$500 million in future tax revenue,

Letter to the Editor, Hazard Post, January 25, 2008

To the Democrats of Harlan, Bell, Leslie, & Perry Counties:

I'm Roger Noe, a lifelong Democrat from Harlan. I tried to become your candidate to fill the seat vacated by Daniel Mongiardo. What I didn't realize was that Governor Beshear, Lt. Governor Mongiardo, Leo Haggerty, and Chester Jones had already chosen the Democratic candidate, and they did it in the most dishonest way possible, they rigged the election against Democratic policy. With the aid of Beshear's appointed head of the Democratic Party, Jennifer Moore, Scott Alexander was given the nomination. Leo Haggerty was given a \$50,000 a year job for his part, and I'm just waiting to see how Mongiardo awards Chester Jones.

I still believe in Democratic principles, but I am disappointed to have to say that I have no faith in our current Kentucky Democratic leadership. They have insulted the intelligence of the Democrats in our counties, and are strong arming public officials for support in furthering their dishonest agenda.

We Democrats were deceived by Beshear/Mongiardo, and the rest of the state should be prepared for the same treatment. Unless you vote responsibly we will be haunted by more of their immoral corruption of Democracy.

— Roger Noe
Harlan, Kentucky

but is contradicted by a legislative study that projects \$300 million.

- **January 2008** – Gov. Beshear hand picks a pro-casino candidate to replace Lt. Gov. Mongiardo in the State Senate. Roger Noe, the locally favored candidate and former legislator who was rejected by Beshear, goes public in a letter to the editor before the special election, “They . . . are strong arming public officials for support in furthering their dishonest agenda.” (See inset left)
- **February 2008** – Casino CEO who contributed \$1 million to ethics reform fund acquires northern Kentucky commercial property, states his expectations to compete for gambling license in Kentucky.
- **February 2008** – Gov. Beshear suggests sales of casino licenses could produce “several hundred million dollars” in revenue during the current budget cycle.
- **February 2008** – Gov. Beshear and Democratic House leaders predict passage of casino constitutional amendment.

The gambling industry's history offers clear financial justification for their huge political contributions. Once they get government approval, casinos have successfully expanded their number of locations, types of gambling, and even lucrative complementary businesses like prostitution. Their expectations of new business opportunities in Kentucky are not yet reality so it is time that Kentucky citizens call their legislators and tell them Kentucky is not for sale!



ACTION!!! *One call, Two steps:*

#1 Call the toll free legislative message line **1-800-372-7181** and leave the following message for your senator & representative. (If you don't know who he/she is, the receptionist can tell you.):

“Vote ‘No’ on all gambling expansion proposals. A ‘Yes’ vote on a Constitutional Amendment is a ‘Yes’ vote to bring casinos to Kentucky.”

#2 While you're on the message line, ask the receptionist to “copy” your message to these HOUSE and SENATE LEADERS: Representatives Jody Richards, Rocky Adkins, Rob Wilkey, and Charlie Hoffman. *And*, Senators David Williams and Dan Kelly.

The Senate is said to be hostile to casinos. Call both your senator and representative, but focus on your representative. Casino forces are pressing him/her to vote “Yes.”

HOUSE BILL 235: *This bill closes the legal loophole where a teacher can have sex with a high school student.*

A ban on sex between teachers & students

The bill is in response to a Marshall County incident where a 37-year-old teacher LEGALLY seduced a 16-year-old student.

In an unusual turn of events, a bill sponsored by one of the more liberal members of the House is being fully endorsed by one of the more conservative organizations in the state. The bill is House Bill 235 and the proverbial “strange bedfellows” are Rep. Kathy Stein (D-Lexington) and The Family Foundation.

At issue are the numerous sexual misconduct allegations against teachers across the nation, stemming from inappropriate interaction with their high school students.

The issue raised its ugly head in Kentucky last November when a band instructor in Benton was accused of having sex with a 16-year-old student, but was not prosecuted because the age of consent in Kentucky is 16. Advocates of HB 235 say that this low age of consent basically invites instructors, who are already in a place of leadership in a teen’s life, to exploit the advantage and inappropriately engage a child sexually.

J.R. Gray, state representative at that time from Marshall County, where the incident took place, was indignant about the situation and immediately articulated his purpose to raise the age of consent from 16 to 18 for such sexual activity. “My first reaction was disbelief,” Gray was quoted as saying. “It’s an indictment on Kentucky.”

But then Gray was appointed in December to be Gov. Beshear’s Labor Commissioner, causing him to resign from the General Assembly. At that point, the bill needed a sponsor, and Stein stepped in to carry the bill in Gray’s stead.

The switch makes for interesting politics – Stein and The Family Foundation – but it is also fortuitous for the legislation because she is chair of the powerful House Judiciary Committee.

HB 235 was introduced by Stein on Jan. 9 and assigned to her committee on Jan. 11. That committee

assignment bodes well for it to have a fair hearing and a likelihood of it being “favorably” reported. The fact that there have been no opponents speaking out against the bill suggests that it could pass a vote by the entire House, gaining momentum as it moves to the Senate.

The Associated Press reported that in the past six years, Alaska, Connecticut, Indiana, Kansas, Louisiana, Michigan, Nevada, Oklahoma, Texas and Washington have enacted similar laws. Ohio and Maine have had such laws since 1994 and 1995 respectively and New York and South Carolina are currently considering the same strategy to curtail the abuse.

Kentucky education officials handled nearly 100 sexual misconduct allegations against teachers from 2001 through 2005, ranging from minor infractions, such as using sexual language to potentially criminal acts, such as inappropriate touching and rape and sodomy.



HB 235 Co-sponsors:

Rep. KATHY STEIN (l)
(D-Lexington)

Rep. JOHN VINCENT (r)
(R-Ashland)



Nationwide, a seven-month Associated Press investigation revealed that similar allegations have led states to take action against the teaching licenses of 2,570 educators over a five-year period. Young people were the victims in 1,801 of the cases and more than 80 percent of those were students.

At press time the bill had not yet been heard in committee so calls to your state representative are most important at this time.

ACTION!!! *One call, Two steps:*

#1

Call the toll free legislative message line **1-800-372-7181** and leave the following message for your senator & representative. (If you don’t know who they are, the receptionist can tell you.):

“Teachers must not have a free pass when it comes to sexual activity with students — Pass HB 235.”

#2

While you’re on the message line, ask the receptionist to “copy” your message to these HOUSE and SENATE LEADERS: Representatives Jody Richards, Rocky Adkins, Rob Wilkey, and Charlie Hoffman. *And*, Senators David Williams and Dan Kelly.

Action Insight

This bill is co-sponsored by a liberal Democrat and a conservative Republican. Because of that breadth of support it has a good chance of getting a fair hearing and moving forward. At press time it had not yet been heard in committee.

(See Action box right)



MORE suggestions for the “Family Pack” bills

- #4 **CALL EVENINGS!** The toll free message line is open 7:30 AM to 11:00 PM EST Monday thru Thursday. It closes at 6:00 PM EST Fridays.
- #5 **CALL SOON!** Most of the General Assembly’s work ends March 31. That gives us 6 weeks to get five bills passed *and the casinos stopped!*
- #6 Each time you call, we recommend that you focus on one bill or issue only. You can call the next day on a different bill or issue.
- #7 You may call multiple times on each issue, but we recommend you wait a week between calls on any one specific piece of legislation.
- #8 For free, ongoing weekly email updates, email us at tffky@mis.net

For more information, go to: www.kentuckyfamily.org
For weekly legislative updates, email us at: tffky@mis.net
To volunteer or for a speaker, call us at: **(859) 255-5400**



Your voice, full of the faith that believes you can make a difference, is the most powerful “weapon” in the issue battles of our day.

Step up to the “firing line” and politely let your voice be heard.

Calling the message line, you simply speak to a receptionist and leave a brief message.

You’ll never know all you can accomplish until you step forward with faith.

HOUSE BILL 211: *With abuse cases seen around the country, this bill will help deter the sexual exploitation of minors.*

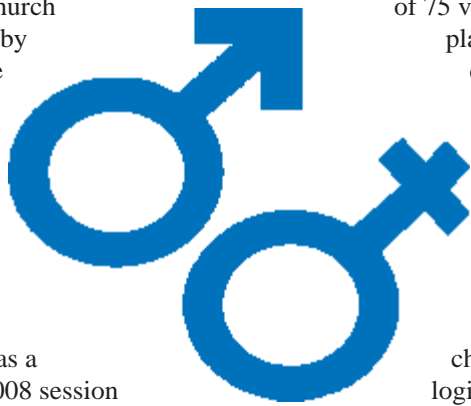
Children sometimes need to be protected from those who are in authority over them

The bill has broad support in the House and has been fully endorsed by Kentucky's Roman Catholic bishops.

Many parents have raised concerns about the safety of children, particularly after the high-profile cases of sexual abuse within the Roman Catholic Church in recent years. But the Catholic Church has not been alone; sexual abuse by sexual predators using their place of authority in the lives of the children they abuse is, sadly, a common and tragic occurrence in the United States. House Bill 211, sponsored by many of Kentucky's Roman Catholic legislators and fully endorsed by the Catholic Conference of Kentucky, has been introduced and has a good chance of passage in this 2008 session of the General Assembly.

HB 211, with similar general goals as HB 235 (See page 6), proposes several changes to existing Kentucky law: First, HB 211 changes the ages covered in first degree child sexual abuse (defined as abuse other than rape or sodomy) from "up to 12-years-old to up to 16 years of age." This widens significantly the range of protection for minors, and by increasing the crime to the "first degree," it eliminates the statute of limitations.

Currently, such abuse is a misdemeanor so a victim has a one-year statute of limitation from the time the crime is committed or, until their 18th birthday. As one can imagine, children rarely will report such an abuse so they will likely live near their assailant for years, never choosing to press charges, and after one year, never even having the opportunity to have the case brought to trial.



This gives the abuser complete latitude to continue his behavior with others. Some studies say that most abusers have an average of 75 victims, while other studies place the number in the hundreds.

Second, it adds to sexual abuse crimes the knowingly committing of a sex act in front of a child for the child's viewing to the first degree abuse category. Too often, this kind of act is the premeditated doorway of a predator into a sexual relationship with child. According to the American Psychological Association this kind of sexual activity is included as abuse with their broader listing of abusive "physical contact" behaviors.

Third, the bill significantly increases the penalty for an adult who knows about an abuse but does not report the activity, thus allowing it to be perpetuated. This feature is particularly directed at the inclination of a cover-up when an organization's authority structure



HB 211 Co-sponsors:
Rep. JIM WAYNE (l)
(D-Louisville)



Rep. JONI JENKINS (r)
(D-Shivley)

recognizes that they are potentially liable for the action of one of their personnel. Coming forward and addressing the abuse is the only way to permanently stop it.

And fourth, HB 211 increases the statute of limitations from one year after the incident to five years after the last incident, or five years after the eighteenth birthday or five years after a person first comes to realize he/she was abused. Kentucky is one of only seven states that has not increased the statute of limitations on child sexual abuse.

HB 211 is a vital piece of law enforcement that can help deter child sexual abuse. Now is the time for its passage!

Action Insight

This bill is sponsored by a number of Roman Catholic representatives and it is fully endorsed by the Catholic Conference. Because there have been a number of high-profile abuse situations within the Catholic Church, citizens and other legislators should respect the leadership coming from those within the faith. Because of that faithful leadership it has a good chance of moving forward. At press time it was rumored to be slated for a hearing in committee in the week of Feb. 11.

(See Action box right)

ACTION!!! *One call, Two steps:*

#1 Call the toll free legislative message line **1-800-372-7181** and leave the following message for your senator & representative. (If you don't know who they are, the receptionist can tell you.):

"We must protect children from sexual predators who are placed in authority over them — Pass HB 211!"

#2 While you're on the message line, ask the receptionist to "copy" your message to these HOUSE and SENATE LEADERS: Representatives Jody Richards, Rocky Adkins, Rob Wilkey, and Charlie Hoffman. *And*, Senators David Williams and Dan Kelly.



MORE FRANKFORT CONTACT INFORMATION:

Calling the Capitol:

Legislative Message Line (Toll free)	1-800-372-7181*
Legislative Meeting Information	1-800-633-9650
Legislative Message Line	1-502-564-8100
Governor's Message Line	1-502-564-2611

Writing legislators:

Address: The Honorable (Full Name)
Capitol Annex
Frankfort, KY 40601

Salutation: Dear Sen. or Rep. (Last Name)

* The toll free message line is open Mon-Thurs 7:30 AM to 11:00 PM EST during the session. It closes at 6:00 PM Fridays.

This **CITIZEN – A Special Report on Family Legislation** – was published by *The Family Foundation of Kentucky: ACTION*, a nonprofit, educational organization designed to help Kentucky citizens get informed and involved in running their government.

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