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Spitz: 'No-brainer' bill needs your help

By **Julia Spitz**/ Daily News Staff
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Sometimes we look at Beacon Hill and wonder what the heck those people are thinking.

This time, they're thinking like you and me.

Law-abiding citizens are videotaped while we shop, searched when we fly and monitored when we use our phones to keep us safe from terrorists. At work, we can be asked to take a random drug test and barred from smoking cigarettes in our own homes.

But the man who reportedly confessed to kidnapping a woman from the Wal-Mart parking lot in Framingham and raping her repeatedly in front of her 2-year-old child, well, that's a different story. His lawyer argued Evandro Doirado shouldn't have to take an HIV test because it would violate his right to privacy.

That made me mad. It made you mad, too.

After last Tuesday's column, you called and e-mailed support for forcing accused rapists to take such tests.

On Thursday, Gov. Mitt Romney filed a bill mandating them if requested by the victim and prosecutors. It was sent to the Judiciary Committee yesterday. Under the proposal, results won't be made public. The information will be disclosed to the victim or legal guardian and "to the offender upon request."

"This is a no-brainer bill and one that should be passed quickly," said state Rep. Susan Pope, R-Wayland. "It is time to be on the side of the victim and not the scumbags that do these horrible acts."

"It shouldn't even be up for discussion," said state Rep. Marie Parente, D-Milford. "It's the least they can do for the woman."

"I'd be very supportive of testing of perpetrators of these crimes," said Rep. Stephen LeDuc, D-Marlborough. His sentiments were echoed on both sides of the aisle, from state Sen. Scott Brown, R-Wrentham, to Rep. Cory Atkins, D-Concord.

"I don't see why this shouldn't get broad support," said Rep. Paul Loscocco, R-Holliston.

Rep. David Linsky, D-Natick, likes the idea.

"I actually filed a bill to do the same thing back in my first term, six or seven years ago," said Linsky, a former prosecutor. "I don't have a problem with the constitutional issues."

But his proposal died in committee, he said, in part because "you can't rely on a negative result." People with HIV can test negative for up to six months after becoming infected. The prophylactic treatment to prevent the virus should be started within 72 hours of contact.

"My sympathies are clearly with the rape victim here," he said, but "I'm not sure how great it is from a medical standpoint.

"People need to know this isn't a panacea."

Linsky's absolutely right.

One test isn't going to make everything OK for the victim. One test may not reveal what she (or he, men can be attacked, too) needs to know.

But not allowing the test gives the victim absolutely no chance for peace of mind.

"I can understand where this bill is coming from," said state Rep. Tom Sannicandro, D-Ashland, "but I don't think it'll pass constitutional muster" when the person has yet to be convicted of any crime.

"Concerns of privacy and confidentiality are legitimate," said state Sen. Karen Spilka, D-Ashland, but "I think it can be done in the con of protecting confidentiality and privacy.

"I do think it's a good idea," she said.

"If it is used to help the victim, I think that's valid," said Rep. Deborah Blumer, D-Framingham, who filed legislation asking for similar tests on behalf of medical personnel who may have been inadvertently exposed to AIDS.

"Virtually every other state in the nation requires this type of testing in cases of rape and sexual assault," the Romney camp said in a letter to legislators.

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"It's absolutely amazing that we're in the small minority of states that don't do that," said Holliston's Loscocco.

The Framingham case spotlights why the law is needed, but Lt. Gov. Kerry Healey "has been working on legislation to require testing for (sexually transmitted diseases) and HIV upon formal filing of rape or sexual assault charges for quite some time," according to Romney spokeswoman Corbie Kiernan.

Translation: The proposal wasn't thrown together to quell public outcry.





As a matter of fact, local legislators say their phones haven't been ringing off the hook. They've heard from only a handful of constituents.

That's too bad.

If this issue is important to you, let your state reps and senators know.

Otherwise, a year from now, we might be wondering what those people on Beacon Hill were thinking on a "no-brainer bill."

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