

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 515

(Senator Waldstreicher, *et al.*)

Judicial Proceedings

Judiciary

Crimes – Indecent Exposure – Definition

This bill establishes that the offense of indecent exposure includes engaging in an act of masturbation in public, whether or not the person’s genitalia are exposed. Violators are guilty of a misdemeanor and subject to the existing statutory penalty of imprisonment for up to three years and/or a \$1,000 maximum fine.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations, as discussed below.

Local Effect: The bill is not anticipated to materially affect local government finances or operations, as discussed below.

Small Business Effect: None.

Analysis

Current Law: Indecent exposure is a common law offense that is subject to a statutory penalty. Under the English common law, indecent exposure is the willful and intentional exposure of the private parts of one’s body in a public place in the presence of an assembly. The main elements of the offense are the willful exposure, the public place in which it is performed, and the presence of persons who saw it.

Background: The Judiciary advises that in fiscal 2019, there were 709 violations of indecent exposure filed in the District Court, which resulted in 90 convictions. There were an additional 191 violations filed in the circuit courts, resulting in 57 convictions.

State/Local Fiscal Effect: Because the bill slightly expands behavior considered to be indecent exposure, the bill is not expected to materially affect State or local finances or operations.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Harford, Montgomery, and Wicomico counties; Maryland Association of Counties; Maryland Municipal League; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2020
rh/aad Third Reader - March 17, 2020
Revised - Amendment(s) - March 17, 2020

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