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February 12, 2020

Delegate Luke Clippinger
Chairman, House Judiciary Committee
101 House Office Building
6 Bladen Street
Annapolis, MD 21401

Dear Delegate Clippinger:

Thank you for your support of HB780, Criminal Law—Crime of Violence—Vulnerable Adult Abuse. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office and the Co-Chief of the Crimes Against Seniors and Vulnerable Adults Unit (CASVA). I also serve as the chair of Montgomery County's Elder/Vulnerable Adult Abuse Task Force, a multidisciplinary group that reviews cases involving vulnerable members of our community.

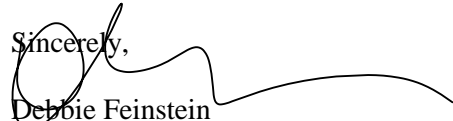
Section 3-604 of the Criminal Law Article sets forth the crime of first degree abuse or neglect of a vulnerable adult and includes abuse or neglect that (1) results in death, (2) causes serious physical injury, or (3) involves sexual abuse. Unlike other similar felony offenses, this crime is not categorized as a crime of violence under either section 5-101 of the Public Safety Article or section 14-101 of the Criminal Law Article. Rape and sexual offenses are categorized as crimes of violence under section 5-101, and rape, sexual offenses, child abuse in the first degree, child sexual abuse, and continuing course of sexual conduct with a child are categorized as crimes of violence under section 14-101.

Vulnerable adults should receive the same protections as other victims of serious crime. Individuals who seriously physically abuse, kill or sexually abuse vulnerable adults should be subjected to the same enhancements and penalties as other violent offenders, including penalties for repeat offenders and prohibitions from possessing regulated firearms, rifles or shotguns. Categorizing first degree abuse or neglect of a vulnerable adult as a crime of violence also sends a strong message to our community about the seriousness of this offense and serves as a deterrent to would-be offenders.

Several Montgomery County cases demonstrate the seriousness of the offenses committed under section 3-604. In a 2017 case, a jury convicted the Defendant for neglect of his vulnerable elderly mother that resulted in her death. In a 2018 case, a jury convicted the Defendant for sexually abusing her vulnerable adult son with physical and cognitive limitations. Lastly, in a 2019 case, the Defendant pleaded guilty to raping an 85 year old woman with dementia.

Maryland law should delineate first degree abuse and neglect of vulnerable adults as a crime of violence. I strongly urge the passage of HB780.

Sincerely,


Debbie Feinstein
Chief, Special Victims Division
Senior Assistant State's Attorney