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January 31, 2023

The Honorable William C. Smith, Jr.
Chairperson, Senate Judicial Proceedings Committee
11 Bladen Street
Annapolis, MD 21401

Dear Chairperson Smith:

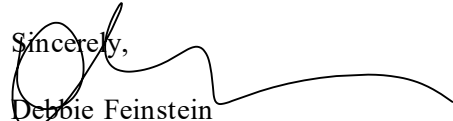
I write in support of SB21—Person in Position of Authority—Sexual Offenses With a Minor. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office and a member of the Montgomery County's Child Advocacy Center's Multidisciplinary Team and Sexual Assault Response Team. I also chair Choose Respect Montgomery, an initiative aimed at reducing teen dating violence and sexual assault. Lastly, I co-chair the Maryland State's Attorneys Association's Special Victims Subcommittee.

Section 3-308 of the Maryland Criminal Law Article currently precludes certain individuals who are in a position of authority over a minor from engaging in sexual conduct with that minor. The current law, however, narrowly defines person in a position of authority. Specifically, a person in a position of authority is defined as: a person who is (i) is at least 21 years old; (ii) is employed by or under contract with a public or private preschool, elementary school, or secondary school; and (iii) because of the person's position or occupation, exercises supervision over a minor who attends the school; and (2) includes a principal, vice principal, teacher, coach, or school counselor at a public or private preschool, elementary school, or secondary school.

The Montgomery County State's Attorney's Office handled a case that exposed a loophole in this law. The victim, then age 17, was receiving private music lessons from a teacher in his 50s. The lessons were conducted in the teacher's home and the victim's father remained immediately outside the room during the lessons. The adult offender engaged in sexual conduct, and ultimately sexual intercourse, with the victim. Because the offender was not employed by or under contract with a public or private preschool, elementary school, or secondary school, we were unable to prosecute him under 3-308 for the sexual offenses he perpetrated against the victim.

This private music teacher was no less a person in a position of authority than a music teacher working in a school. Many persons in positions of authority over minors are excluded from the current law. SB21 expands the definition of person in position of authority to include teachers, coaches, counselors, and others who work with children outside of the traditional school setting. Individuals who are in any of the roles included in this bill hold positions of trust, and any exploitation of that trust should be criminalized. I strongly urge this Committee to issue a favorable report on SB21.

Sincerely,


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