

Favorable with Amendments SB-21
Criminal Law – Person in a Position of Authority – Sexual Offenses With a Minor

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We have no concerns with expanding the range of situations in which a person can be considered as having a position of authority, but have one very serious concern which we hope can be addressed.

The proposed addition of 3-308 (c)(1)(ii) sets no outer time limit for applying the additional “position of authority” penalty.

Here is an example: A teenager was a paid assistant in a gym or county day camp for several years, until they left for college. Now that person is over 21, and it has been five-plus years since their paid assistantship. They start dating and having sex with a teen they knew as a young child in that gym or day camp. The relationship is punishable under current statute, of course, because of the age differential. But should the “position of authority” enhancement still apply with so many years between the former relationship and current transgression?

FAIR recommends that a time limit be added, keeping the “position of authority” enhancement to a more reasonable timeframe, during and only shortly after the teacher, coach, or counselor role exists.

Sincerely,



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