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Testimony in **Support** of

SB 0021 – Criminal Law – Person in a Position of Authority –
Sexual Offenses with a Minor

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Committee:

I am writing to show my strong support for Senate Bill 0021 on behalf of State's Attorney Aisha Braveboy and the Maryland State's Attorneys' Association, and to urge a favorable report. Passage of Senate Bill 0021 would serve to provide justice to some of the most vulnerable victims in our community.

I serve as the Chief of the Special Victims & Family Violence Unit in Prince George's County. My staff and I carry an extensive caseload of cases involving sexual abuse of children. Unfortunately, there is still a group of cases that we are unable to prosecute because the abuse is not currently prohibited by Maryland law. SB0021 would allow prosecutors to pursue justice in this group of cases.

Under the current version of the Fourth Degree Sexual Offense statute (CR 3-308), a person in a position of authority may not engage in a sexual act, sexual contact, or vaginal intercourse with a minor who at the time of the sexual act, sexual contact, or vaginal intercourse is a student enrolled at a school where the person in a position of authority is employed. A "person in a position of authority" is defined as a person who: (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. The statute specifically notes that principals, vice principals, teachers, coaches, and school counselors are included in this definition.

While the above listed behavior is abhorrent and is rightly criminalized under the current statute, there are still instances of abuse that cannot be prosecuted. The current statute is limited in its application to abusers who are employed by or under contract with a school. This omits a large population of abusers who are not involved with schools but still have access to and authority over children. For example, after-school programs, art/music/dance tutoring, sports programs, scouting programs, day and overnight camps, religious institutions, and government programs are not currently included under the law. SB0021 expands the definition of a “person in a position of authority” to include these groups and more. The bill also expands the groups to include not just individuals who are employed or under contract, but also those who volunteer and intern.

Importantly, SB0021 also expands the application of the law by allowing the prosecution of abusers in situations where the abuser and the victim were involved in a program at the same time in the past, but the sexual abuse occurred after either the abuser or minor left the program. This expansion directly addresses grooming behavior that occurs when an abuser befriends and prepares his or her victim but waits until the authoritative relationship has formally ended before engaging in sexual abuse.

Abusers are adept at using their positions of authority over minors to build trust and engage in grooming behavior to ultimately cause sexual abuse to these victims. Expansion of CR 3-308 would give prosecutors another tool to address this behavior and seek justice for victims of sexual abuse. For the foregoing reasons, I respectfully urge a favorable report on SB 0021.

Sincerely,



Jessica L. Garth
Chief, Special Victims & Family Violence Unit
State’s Attorney’s Office for Prince George’s County