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DATE: March 28, 2023

BILL NUMBER: SB 21

POSITION: Favorable with amendments

Chairman Clippinger, Vice Chairman Moon and Members of the Committee:

My name is Lindsey Carpenter and I am an Assistant State's Attorney in the Special Victims Unit at the Frederick County State's Attorney's Office. I am a member of the Frederick County Child Advocacy Center Multi-Disciplinary Team, the Frederick County Sexual Assault Response Team, and a co-chair of the Frederick County Human Trafficking Response Team. I am writing on behalf of the Frederick County State's Attorney's Office and MSAA requesting a favorable report on SB 21.

SB 21 amends the definition of Person in Position of Authority for Fourth Degree Sexual Offenses. Currently, the definition only includes individuals who are employed or contracted by a school, such as teachers, coaches, or administrators. SB 21 recognizes the harsh reality that many sexual predators seek out positions that give them access to children in programs that are not associated with schools such as extracurricular activities, after-school programs, and day camps. Individuals who exploit that power dynamic, are unable to be held accountable under the current law. SB 21 remedies this issue.

In Frederick County, I prosecuted a case involving a martial arts instructor who sexually abused a student who was 22 years younger than him. The instructor, who was 36 years old, began grooming the student when she was just 14 years old. Yet he specifically waited to engage in sexual relations with the student until she turned 16, and he was 38, as he knew that 16 was the age of consent in Maryland. Because the abuse was so frequent, and some incidents occurred during class, I was able to prosecute him under Sexual Abuse of a Minor as he had care and custody of the minor during a few of the incidents. However, there were numerous incidents of abuse that I was unable to prosecute.

SB 21 seeks to close a loophole and protect our children by ensuring that sexual predators are held accountable when they exploit a position where they were entrusted with the safety of our children. When an individual enrolls their child in an after-school program or an extracurricular activity, or sends their child to a day or overnight camp, the last thing that any parent expects is that their child will become a victim of sexual abuse. Yet, these are the locations where sexual predators seek employment, to give them access to children. On behalf of the Frederick County State's Attorney's Office and MSAA I urge this committee to send a clear message to Marylanders that we will protect our children and hold sexual predators accountable by issuing a favorable report on SB 21.

Lindsey M. Carpenter  
Assistant State's Attorney  
For Frederick County