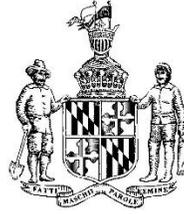


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January 31, 2023

Testimony in **Support** of

HB 0164 – Sexual Offenses – Crime of Violence and Lifetime Supervision

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

I am writing to show my strong support for House Bill 0164 on behalf of State's Attorney Aisha Braveboy and the Maryland State's Attorneys' Association, and to urge a favorable report. Passage of House Bill 0164 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. Current Maryland law marks sexual abuse of a minor as a crime of violence only if the victim is under the age of 13 years and the offender is an adult at the time of the offense. Passage of HB 0164 would add cases where the victim is under the age of 16 years and the offender is at least 21 years old as crimes of violence. We urge this expansion on the basis of fairness and equity of all child victims.

Classification of a case as a crime of violence has a direct impact on parole eligibility. Understandably, one of the primary concerns of victims and their families is when an offender will be released from incarceration, both from a safety standpoint and the perception of fundamental fairness. Under current Maryland law, offenders who are convicted of a crime of violence are not eligible for parole until they have served 50% of their aggregate sentence for the violent crimes. Compare this to offenders who are convicted of crimes that are not classified as crimes of violence who become eligible for parole after serving 25% of their aggregate sentence.

In practice this means that in cases where an offender is sentenced to 10 years of incarceration, the offender will be eligible for parole after serving 5 years if the victim was 12 years old, but only 2.5 years if the victim was 13 years old.

Explaining to a minor victim's family that their case is not being treated the same way as the case of a younger victim is one of the many difficult conversations that we have as prosecutors, and it is just one more injustice suffered by some of our most vulnerable victims. If you consider that 66% of all sexual assault victims under 18 years are between the ages of 12 and 17 and that 93% of children who are victims of sexual abuse know their abuser, 34% are abused by a family member, and 59% are family acquaintances, the need to expand this protection becomes clear.

For victims aged 13-15, the abuse suffered is no less than their younger counterparts. Indeed, these victims are typically at the stage of life where they are beginning to understand and explore what it means to engage in healthy relationships. Sexual abuse at this age has long-lasting impacts that are no less than those suffered by younger victims, including increased likelihood of drug abuse, PTSD symptoms, and depression. HB 0164 correctly categorizes this abuse as a crime of violence and equalizes the sentences that must be served by abusers.

HB 0164 further updates the code to include these same offenders under lifetime sexual offender supervision, an important tool for rehabilitation of the offender and protection of the community. The statute also updates language concerning the previously repealed Second Degree Sexual Offense (§ 3-306) to bring it up to date with current law.

For the foregoing reasons, I respectfully urge a favorable report, and ultimately passage, on HB 0164.

Sincerely,



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

Statistics from RAINN.org