



HB226- Criminal Law – Persons in a Position of Authority - Sexual Offenses With a Minor
House Judiciary Committee – February 7, 2023

Testimony of Adam Rosenberg, Executive Director, LifeBridge Health Center for Hope

Position: **SUPPORT**

Center for Hope supports HB226, which would widen the definition of “person in position of authority” under Md. Code, Criminal Law Art. §3- 308 beyond school employees to include several other categories of adults who supervise or instruct minors outside of school, such as private coaches, music tutors, camp counselors, scout leaders, religious instructors, or employees of dance or martial arts programs. SB21 would close the current gap in the criminal law regarding sex offenders who exploit the access, trust, and unequal power dynamic in the leader/student relationship.

Under current Maryland law, if a weekend rec league volleyball coach, for example, were to engage in a sexual relationship with one of his players, the sexual activity could, legally, trigger an investigation of “sexual abuse” under child welfare law, Md Code, Fam. Law §5-701 et seq. The Family Law article includes sexual offenses that are committed by a "person who has responsibility for supervision of the child" or "a person who, because of the person’s position or occupation, exercises authority over the child." The crime, however, could not be prosecuted under current criminal law. Criminal Law §3-308, 4th degree sex offense, only applies to school personnel. Thus, the weekend volleyball coach could not be criminally prosecuted unless he worked for a school or the player was under 16 years old. If a school-based coach engaged in the same relationship with the same 16 or 17 year old student, it would be a prosecutable crime. This bill would thus help protect all 16 and 17 year olds from being exploited from non-school adults in power.

Center for Hope, a subsidiary of LifeBridge Health, provides comprehensive trauma-informed crisis intervention and response services to patients and community members who have experienced child abuse, elder abuse, domestic violence, community/gun violence. Our nationally accredited child advocacy center serves over 1,600 children per year, and operates 24 hours per day, 365 days per year in a multidisciplinary team that, as defined under Md Code, Crim. Proced. Art. § 11-928, responds to children who have been sexually abused or assaulted.

We have assisted children who have been exploited by an array of adults in their lives, ranging from relatives to teachers to private tutors. We applaud the efforts to close the gap in Maryland law and make sure all minors are fully protected by law.

We urge a favorable report on HB226.

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