



Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 21 **Lisae C. Jordan, Executive Director & Counsel** March 30, 2023

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on Senate Bill 21.

Senate Bill 21 – Closing the Remaining Loopholes – Sexual Abuse by Persons in Authority

Maryland has gradually amended its laws to protect teenagers from sexual abuse and exploitation by persons in authority. Senate Bill 21 closes the remaining loophole.

This area of the code is complicated. A person with care and custody of a minor (a person under 18) or who is supervising the minor is prohibited from having sex with the minor. Criminal Law §3-602. A law specifically addressing conduct by a "person in authority" is contained in §3-308, defined as a person at least 21 years old; employed by or under contract with a public or private preschool, elementary school, or secondary school; and who because of the person's position or occupation, exercises supervision over a minor who attends the school. Section 3-308 goes on to specify that this includes a principal, vice principal, teacher, coach, or school counselor at a public or private preschool, elementary school, or secondary school. There are also "statutory rape" laws prohibiting sex with minors based on their age, with 14 the age of consent for "sexual contact" (fondling) and 16 the age of consent for acts involving penetration or oral sex. On top of all of that, §3-709 prohibits "sextortion" using a wide range of threats, including threats of emotional distress.

Still, there continues to be loopholes which allow persons in authority to engage in sexual activities with teenagers with impunity (either 14-17 year olds or 16-17 year olds, depending on the activity). These include volunteers, such as Boy Scout leaders; instructors at extracurricular activities, such as gymnastics training facilities; and day care providers. SB21 closes these remaining loopholes.

Children who are sexually abused often have anxiety, poor self-esteem, dysfunctional relationships, eating disorders, and post-traumatic stress syndrome (PTSD). Wilson, D. & Severson, M. "Long-term Health Outcomes of Child Sexual Abuse," American Nurse Today (October 2012). When a teen is sexually exploited by a person in authority, the harm does not vary based on the perpetrator's

employment status or location. Maryland should recognize the inherent power imbalance between teens and persons in authority and close the remaining loopholes in our laws.

Amendments: The Senate Judicial Proceedings Committee addressed concerns about overbreadth by requiring a six year age gap for certain persons in authority and by eliminating prohibitions on sexual activities between persons in authority and minors who were formerly under their supervision. The House Judiciary Committee amended the House bill with helpful clarifying language and retained the prohibition on sexual activities with minors formerly in a person in authority's care. MCASA appreciates the work of both Committees and urges the Legislature to enact either bill or a combination of the two.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to report favorably on Senate Bill 21**