



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 5
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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 in the State of Maryland. We urge the Judiciary Committee to report favorably on House Bill 5.

HB5 – Indecent Exposure within Sight of a Minor

HB5 would increase the penalty for indecent exposure with the sight of a minor if the person knows or reasonably should know that a minor is present and the act is committed with prurient intent.

Indecent exposure is currently a common law crime, described by the Court of Appeals as follows: "... indecent exposure [means] the defendant intentionally exposed his penis or other body part that should not be exhibited in a public place. Indecent exposure, to amount to a crime, must have been done intentionally. Intent may be inferred from the conduct of the accused and the circumstances and the environment of the occurrence." *Wisneski v. State*, 398 Md. 578 (2007). Legislation last year clarified that indecent exposure includes masturbation in public whether or not a person's genitals are exposed.

Indecent exposure covers a range of behavior, and when a child is the target, the behavior can be especially harmful and intimidating. Additionally, indecent exposure is often a gateway crime to more serious sex offenses. HB5 recognizes the serious nature of indecent exposure to child by increasing the penalty from 3 years/\$1000 fine to 5 years/\$10,000 fine.

MCASA notes that HB5 includes the reasonable limitation that there must be an age difference of at least 4 years between the people involved. This is an appropriate response to young people and similar to other sex crimes provisions. We note that offenders within 4 years older than the other person would still be subject to the common law crime of indecent exposure, simply not to the heightened penalty.

This bill has been reported favorably and made it to the floor of both chambers and within minutes of being enacted on *sine die* for the past two years. MCASA appreciates the past support for this legislation and respectfully urges prompt action this year.

**The Maryland Coalition Against Sexual Assault urges
the Judiciary Committee to report favorably on House Bill 5**