

# Ezra Towne

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## Favorable Testimony on Bill SB0758: Criminal Law - Sexual Crimes - Definition of Consent and Repeal of Force

February 25, 2024

Chair Senator William C. Smith, Jr., Vice-Chair Jeff Walstreicher, and esteemed members of the Judicial Proceedings committee,

I write to you today as a transmasculine nonbinary adult invested in the well-being of transgender and nonbinary survivors of sexual harassment and assault. I am also a facilitator of a trans-led peer support group in Montgomery County. **My testimony on this bill is favorable, and I urge you to move this bill promptly through committee with a favorable vote.**

SB0758 would rewrite outdated portions of criminal law in the state of Maryland pertaining to sexual assault and harassment by expanding the different ways in which an individual can indicate that they do not consent to sexual advances or assault.

I'm proud to be a resident of the state of Maryland for 20 years, but I am terribly embarrassed that my state does not have an adequate definition of a lack of consent when someone experiences sexual assault or harassment. I am also horrified to learn that Maryland's criminal law exempted a rapist from persecution because of an already existing sexual relationship.

I learned in high school in the 1990s that there was indeed a legal gray area in what is defined as rape, sexual assault, and harassment in criminal law. However, even a teenager like myself knew that consent does not and should not require verbal actions, like the words "no" or "stop." Body movements and language are more than enough to indicate that someone is not consenting to the behavior of an individual exerting power over another human being.

The gender identities of assaulter/harasser and assaultee/harassée are also irrelevant when it comes to these matters. As a facilitator of peer-led support group for trans and nonbinary people in Montgomery County, I can speak from the experience of listening to support group attendees that harassment, assault and rape are just as, if not more, likely to happen to trans and nonbinary people.

I informed the body of folks who attend the support group about this bill with great discomfiture that our state has been failing to protect them via codified law, and asked them to contact their Senators and Delegates to share their unconditional support for this long overdue piece of legislation. I also informed some friends and neighbors and asked them to do the same. Each and every person I spoke to was horrified to learn that Maryland had not yet updated their legal code

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concerning sexual assault and harassment. Each and every one of them told me that they would take action in some way, and I firmly believe that you will hear from some of them.

How can, and why is, Maryland's legal understanding of consent and lack thereof still so backwards and behind the times? Maryland law is usually a step or three ahead of the rest of the United States.

**I urge a quick, favorable report on SB0758 - Criminal Law - Sexual Crimes - Definition of Consent and Repeal of Force** from the Judicial Proceedings committee so that this bill makes it to the Senate Floor for a vote as soon as possible.

Sincerely,



Ezra Towne  
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