



BILL NO: Senate Bill 758
TITLE: Criminal Law - Sexual Crimes - Definition of Consent and Repeal of Force
COMMITTEE: Judicial Proceedings
HEARING DATE: February 27, 2024
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 758.**

Senate Bill 758 improves Maryland law by defining consent and repealing language that focuses on whether a victim resisted the sexual act and whether there was force or threat of force by the alleged perpetrator. The definition of consent in SB 758 changes the focus to whether there is a clear and voluntary agreement between the people involved. Consent, as defined in SB 758, includes a clear and voluntary agreement, the right to withdraw consent, and communication through words or conduct and based on the totality of the circumstances. The definition also includes what is not consent including what someone is wearing, a prior relationship, or as a result of fear, threat, or coercion. No documentation is required for consent.

The prevalence and devastating impact of sexual assault and rape is alarming. Instead of determining whether there was consent based on whether a victim resisted, SB 758, by removing force or threat of force, changes the focus to whether there is a clear and voluntary agreement between the people involved. SB 758 provides clear language on what consent is and how it can be communicated through words or conduct, and that consent can be withdrawn at any time.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 758.**