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—
Vice Chair
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB 0005: Criminal Law - Indecent Exposure Within the Sight of a Minor

Position: FAVORABLE

Good afternoon Mr. Chair, Mr. Vice Chair, and distinguished members of the committee. I am Delegate Brian Crosby and I am here to present HB 0005, entitled Criminal Law - Indecent Exposure Within the Sight of a Minor.

This bill is in response to an incident in which someone committed indecent exposure in front of young girls who live in St. Mary's County.

Last year, this bill passed both Chambers. However, it was amended in the Senate, and the House ran out of time to concur the amendments before the clock struck midnight on sine die. I have brought the bill back in the same posture in which it passed the Senate last year.

Under current law, a person convicted of indecent exposure is guilty of a misdemeanor, and is subject to imprisonment not exceeding 3 years, a fine not exceeding \$1,000, or both. This bill would create a stronger penalty for people who commit indecent exposure, with prurient intent, within sight of a minor who is at least 2 years old and is more than 4 years younger than the person who commits the crime. The person committing the crime must know or should reasonably know that a minor is present. The penalty for people who commit indecent exposure against minors in this way would be subject to imprisonment not exceeding 5 years, a fine not exceeding \$10,000, or both.

In several states across the country, indecent exposure penalties are enhanced when committed against, or within sight of, a minor. In two of our neighboring states, for example, Virginia and Pennsylvania, the penalty for committing indecent exposure increases from a Class 1 misdemeanor to a Class 5 felony, or from a second degree misdemeanor to a first degree misdemeanor, respectively, when committed against a minor. This translates to a doubled cap on any fine or jail sentence imposed by a judge in Pennsylvania, and a jail sentence up to ten times longer in Virginia. In the remaining states, this formalized penalty enhancement is similar, but Maryland has yet to make the same distinction which, in practice, creates an arbitrary and low cap of punishment for sexual crimes committed against some of our most vulnerable citizens; our children.

Maryland law already recognizes the importance of this issue, and provides judges the option to require perpetrators to register as sex offenders if they commit indecent exposure against a

minor. HB 0005 provides an expanded alternative, in line with that of other states, to achieve that same goal.

Seeing as how this body nearly passed this bill last year, and we are trying to finish the work that was left last year on sine die, I respectfully ask my colleagues for a favorable report.