

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 270

(Senators Waldstreicher and Augustine)

Judicial Proceedings

Judiciary

Crimes - Indecent Exposure - Definition

This bill establishes that the offense of indecent exposure includes engaging in an act of masturbation in public, whether or not the person's genitalia are exposed. Violators are guilty of a misdemeanor and subject to the existing statutory penalty of imprisonment for up to three years and/or a \$1,000 maximum fine.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances or operations.

Local Effect: The bill is not expected to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law: Indecent exposure is a common law offense that is subject to a statutory penalty. Under the English common law, indecent exposure is the willful and intentional exposure of the private parts of one's body in a public place in the presence of an assembly. The main elements of the offense are the willful exposure, the public place in which it is performed, and the presence of persons who saw it.

Additional Information

Prior Introductions: SB 515 of 2020, an identical bill as amended, passed the Senate and was referred to the House Judiciary Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Caroline, Montgomery, and Prince George's counties; City of Bowie; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - January 14, 2021
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Analysis by: Donovan A. Ham

Direct Inquiries to:
(410) 946-5510
(301) 970-5510