

PGCEX_FAV_SB481

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Position: FAV



THE PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

BILL: Senate Bill 481 - Criminal Law - Crime of Violence - Vulnerable Adult

SPONSOR: Senators Lee, *et al.*

HEARING DATE: February 13, 2020

COMMITTEE: Judicial Proceedings

CONTACT: Intergovernmental Affairs Office, 301-780-8411

POSITION:	SUPPORT
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The Office of the Prince George's County Executive **SUPPORTS Senate Bill 481 - Criminal Law - Crime of Violence - Vulnerable Adult**, which would add abuse or neglect of a vulnerable adult in the first degree to the definitions of "crime of violence" under the Public Safety Article and the Criminal Law Article.

It is our responsibility as citizens of this state to ensure that the most vulnerable among us are protected. Current law does not recognize abusing or neglecting a vulnerable adult as the crime of violence that it clearly is. Passing this legislation will send a message to those who would prey on vulnerable adults that we will not stand for it. It also aligns with

For the reasons stated above, the Office of the Prince George's County Executive **SUPPORTS Senate Bill 481** and asks for a **FAVORABLE** report.

MarylandSeniorCitizensActionNetwork_FAV_SB0481

Uploaded by: Burton, Kim

Position: FAV



Maryland Senior Citizens Action Network

MSCAN

AARP Maryland

*Alzheimer's
Association,
Maryland Chapters*

*Baltimore Jewish
Council*

Catholic Charities

*Central Maryland
Ecumenical Council*

Church of the Brethren

*Episcopal Diocese of
Maryland*

*Housing Opportunities
Commission of
Montgomery County*

*Jewish Community
Relations Council of
Greater Washington*

*Lutheran Office on
Public Policy in
Maryland*

*Maryland Association of
Area Agencies on Aging*

*Maryland Catholic
Conference*

*Mental Health
Association of Maryland*

Mid-Atlantic LifeSpan

*National Association of
Social Workers,
Maryland Chapter*

Presbytery of Baltimore

*The Coordinating
Center*

*MSCAN Co-Chairs:
Carol Lienhard
Kimberly Burton
443-901-1550 x 210*

Testimony in Support of SB 481 – Criminal Law – Crimes of Violence – Vulnerable Adults

**Senate Judicial Proceedings Committee
February 13, 2020**

The Maryland Senior Citizens Action Network (MSCAN) is a statewide coalition of advocacy groups, service providers, faith-based and mission-driven organizations that supports policies that meet the housing and care needs of Maryland's low and moderate-income seniors. We appreciate the opportunity to offer support for SB 481 – Criminal Law – Crimes of Violence – Vulnerable Adults.

Section 5-101 of the Public Safety Article and §14-101 of the Criminal Law Article have independent definitions of a “crime of violence.” Designation of an offense under one of these definitions may subject a person to varying consequences. SB 481 adds “Abuse or neglect of a vulnerable adult in the first degree” to the classification of “crime of violence.”

In Maryland, and across the nation, crimes against vulnerable adults are on the rise. Older adults in particular are suffering higher rates of abuse and neglect. Sadly these crimes are most often committed by family members or trusted friends. Not only does the crime impact the dignity of an older adult, studies have found victims to experience higher rates of somatic disturbance and mortality.

MSCAN respectfully requests a favorable report on SB 481, elevating the consequences for an individual who commits abuse or neglect of a vulnerable adult in the first degree. Thank you for the opportunity to offer our support.

NASW_FAV_SB 481

Uploaded by: Ciekot, Ann

Position: FAV

**Testimony before Senate Judicial Proceedings Committee
February 13, 2020**

**Support of Senate Bill 481
Criminal Law – Crime of Violence – Vulnerable Adult
Support**

On behalf of the National Association of Social Workers, Maryland Chapter (NASW-MD), we would like to express our support for Senate Bill 481 Criminal Law – Crime of Violence – Vulnerable Adult.

As social workers who serve older adults, we know that elder abuse is a hidden epidemic. Every year, five million older Americans experience physical, sexual, emotional or financial abuse, or neglect. However, only one case in every 14 is reported to authorities. In our experience, most of those reported cases never result in prosecution. The cases that are prosecuted generally involve extremely serious abuse.

One example of such a serious case is a seventy-year old woman with dementia who was severely beaten and strangled by her husband. We learned that she had suffered years of physical, sexual and emotional abuse throughout their 40-year marriage. Although her husband was arrested and held without bail, he was eventually convicted of a lesser crime and only sentenced to time served.

Although first degree vulnerable adult abuse is already a felony, it is not included as a crime of violence under Criminal Law 14-101. Consequently, and unlike child abuse or sexual abuse of a minor, the mandatory sentences prescribed by Criminal Law 14-101 do not apply for repeat offenders of abuse of vulnerable adults. In fact, under a relatively new Maryland Law, perpetrators who commit crimes that are not considered crimes of violence are eligible for parole after they serve only a quarter of their sentence (versus one-half). Therefore, actual sentences served are potentially significantly less for such serious and violent crimes against vulnerable adults. Violent crimes against vulnerable adults and seniors need to be recognized as the devastating and life altering crimes that they are, with levels of accountability matching those of violent crimes committed against children.

We support this bill because caregivers and others who abuse vulnerable adults should be held accountable for their actions to the fullest extent of the law. Victims of First-Degree abuse have suffered tremendous physical and psychological trauma, sometimes leading to death or serious long-term physical and emotional harm. It is fitting that abuse or neglect of a vulnerable adult in the first degree should be viewed as a crime of violence. This bill would lead to more jail time for abusers and prevent further harm to victims.

We need to do everything possible to protect vulnerable adults from abuse. This bill would save lives by increasing the penalties for the most serious forms of abuse. **We urge you to vote YES on SB 481.**

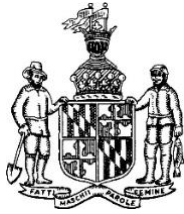
Thank you,

NASW-MD Committee on Aging

MoCo State's Attorney_FAV_SB481

Uploaded by: feinstein, debbie

Position: FAV



STATE'S ATTORNEY
JOHN J. MCCARTHY

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DEPUTY STATE'S ATTORNEYS
PETER A. FEENEY
RYAN S. WECHSLER

February 12, 2020

The Honorable Susan Lee
James Senate Office Building, Room 223
11 Bladen Street
Annapolis, Maryland 21401

Dear Senator Lee,

Thank you for your support of SB481, Criminal Law—Crime of Violence—Vulnerable Adult Abuse. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office and the Co-Chief of the Crimes Against Seniors and Vulnerable Adults Unit (CASVA). I also serve as the chair of Montgomery County's Elder/Vulnerable Adult Abuse Task Force, a multidisciplinary group that reviews cases involving vulnerable members of our community.

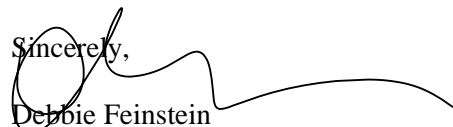
Section 3-604 of the Criminal Law Article sets forth the crime of first degree abuse or neglect of a vulnerable adult and includes abuse or neglect that (1) results in death, (2) causes serious physical injury, or (3) involves sexual abuse. Unlike other similar felony offenses, this crime is not categorized as a crime of violence under either section 5-101 of the Public Safety Article or section 14-101 of the Criminal Law Article. Rape and sexual offenses are categorized as crimes of violence under section 5-101, and rape, sexual offenses, child abuse in the first degree, child sexual abuse, and continuing course of sexual conduct with a child are categorized as crimes of violence under section 14-101.

Vulnerable adults should receive the same protections as other victims of serious crime. Individuals who seriously physically abuse, kill or sexually abuse vulnerable adults should be subjected to the same enhancements and penalties as other violent offenders, including penalties for repeat offenders and prohibitions from possessing regulated firearms, rifles or shotguns. Categorizing first degree abuse or neglect of a vulnerable adult as a crime of violence also sends a strong message to our community about the seriousness of this offense and serves as a deterrent to would-be offenders.

Several Montgomery County cases demonstrate the seriousness of the offenses committed under section 3-604. In a 2017 case, a jury convicted the Defendant for neglect of his vulnerable elderly mother that resulted in her death. In a 2018 case, a jury convicted the Defendant for sexually abusing her vulnerable adult son with physical and cognitive limitations. Lastly, in a 2019 case, the Defendant pleaded guilty to raping an 85 year old woman with dementia.

Maryland law should delineate first degree abuse and neglect of vulnerable adults as a crime of violence. I strongly urge the passage of SB481.

Sincerely,


Debbie Feinstein
Chief, Special Victims Division
Senior Assistant State's Attorney

Lee_FAV_SB481

Uploaded by: Senator Lee, Senator Lee

Position: FAV

SUSAN C. LEE
Legislative District 16
Montgomery County

MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

Chair Emeritus
Maryland Legislative Asian American
and Pacific Islander Caucus

President Emeritus
Women Legislators of the
Maryland General Assembly, Inc.



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 13, 2020

Senate Judicial Proceedings Committee

Senate Bill 481 - Criminal Law - Crime of Violence - Vulnerable Adult

Felony Abuse or Neglect of a Vulnerable Adult in the First Degree

Senate Bill 481 adds first degree felony abuse or neglect of a vulnerable adult to the lists of crimes of violence under the Criminal Law Article 14-101 and the Public Safety Article 5-101. Crimes of violence classifications are an important deterrent for repeat offenders because they contain mandatory minimums for subsequent offense convictions, reduce diminution credit applicability to their sentences, and prevent access to firearms. This crime would become a disqualifying crime to possess a firearm under the Public Safety Article, and make the sentence stricter under the Criminal Law Article.

While this is a simple bill that puts a serious felony in the appropriate category of a crime of violence, we realize that there might be some confusion as to the required elements of the underlying crime. Criminal Law Article 3-604, already a felony, includes abuse or neglect of a vulnerable adult requires the element of either serious physical injury that approaches a substantial risk of death, or sexual abuse. A vulnerable adult must be an adult who lacks the physical or mental capacity to provide for the adult's daily needs. This applies to any household member or family member and the current penalty carries a maximum sentence of 10 years or a fine not exceeding \$10,000.

For these reasons, I respectfully request a favorable report on SB 481.

BPD_FAV_SB481

Uploaded by: WIRZBERGER, MICHELLE

Position: FAV



BERNARD C. "JACK" YOUNG
Mayor

BALTIMORE POLICE DEPARTMENT



MICHAEL S. HARRISON
Police Commissioner

TO: The Honorable Members of the Senate Judicial Proceedings Committee

FROM: Michelle Wirzberger, Esq., Director of Government Affairs, Baltimore Police Dept.

RE: Senate Bill 481 Crime of Violence – Vulnerable Adult

DATE: February 13, 2020

POSITION: SUPPORT

Chair Smith, Vice-Chair Waldstreicher, and members of the Committee, please be advised that the Baltimore Police Department **supports** Senate Bill 481.

Senate Bill 481 expands the definition of crime of violence to include abuse or neglect of a vulnerable adult by a caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of the vulnerable adult.

By definition, vulnerable adults are those who lack the physical or mental capacity to provide for their own daily needs. They rely on and trust their loved ones and caregivers to provide for their basic needs and ensure that they are safe from harm. Those who violate that trust must receive a strict penalty.

The Baltimore Police Department is working to strengthen its relationship with Baltimore City seniors by reinstating the *Senior Liaison Program*. Our goal is to ensure that seniors in Baltimore City know their rights and have somewhere safe to turn when they are being abused or are aware of abuse.

That being said, we need all of the tools we can garner to get predators who seek to hurt others off the street. Therefore, we respectfully request a **favorable** report on Senate Bill 468.