



POSITION ON PROPOSED LEGISLATION

BILL: HB 211 – Indecent Exposure Within the Sight of a Minor
POSITION: OPPOSE UNLESS AMENDED
DATE: January 28, 2020

The Office of the Public Defender recognizes the prerogative of the legislature to identify special classes of victims within our criminal laws, particularly as it relates to the especially vulnerable. Similarly, we recognize that the Assembly can create a sentencing scheme that, within reason and constitutional principles, penalizes an offender potentially more or less based on victim characteristics or class.

However, we believe that when a differentiated sentencing scheme is sought, and the current maximum penalties in our code are already applicable to the specific class of especially vulnerable victims, that maximum penalty should remain in force, and the potential penalty for the more general cases should be reduced, unless specific data regarding increasing crime rates or recidivism related to the special class of victims can substantiate a need for higher penalties.

In regards to this bill, then, we believe indecent exposure offenses involving minor victims should still be punished at the current maximum of up to 3 years, with offenses involving adult victims subject to a 1 year penalty.