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**To:** Members of The House Judiciary Committee

**From:** Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

**Date:** 3/11/2020

**Subject:** **HB211 – Indecent Exposure Within the Sight of a Minor**

**Position:** **Oppose**

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The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Opposes HB211 – Indecent Exposure Within the Sight of a Minor.**

This bill codifies the crime of indecent exposure and, more critically, it creates a new crime for indecent exposure within sight of a child over the age of two.

While well-meaning, the bill goes too far. The crime of indecent covers a wide range of actions, some more benign than others. In addition to deliberate acts of exposure, the crime covers acts such as urinating in public and even the display of body parts in one's home but visible to those outside. At least 900 cases involving the common law charge of indecent exposure were filed last year.

We are particularly concerned with the provisions involving even inadvertant exposure to a minor. Creating a crime with a punishment of five years incarceration seems to be too extreme for the vast majority of these cases.

For the reasons stated, we **Oppose HB211 – Indecent Exposure Within the Sight of a Minor.**

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at [doyleniemann@verizon.net](mailto:doyleniemann@verizon.net).

Should you have other questions, please contact The MSBA's Legislative Office at (410)-269-6464 / (410)-685-7878 ext: 3066 or at [Richard@MSBA.org](mailto:Richard@MSBA.org) and [Parker@MSBA.org](mailto:Parker@MSBA.org).