



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 201 with Friendly Amendments
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute which provides direct legal services for survivors across the State of Maryland. We urge the Judicial Proceedings Committee to report favorably on House Bill 201 with Amendments.

House Bill 201 – Charitable Immunity

This bill eliminates charitable immunity for liability for conduct involving certain sexual crimes and harassment. The charitable immunity statute is meant to balance the interests of victims of torts and those helped by charities. In cases involving sexual assault, the limits of the charitable immunity statute are too modest to reasonably respond to victims. House Bill 201 tips the scales of civil justice towards victims by repealing charitable immunity in these cases. This will also help encourage non-profit organizations, including schools, clubs, church groups, and other youth-serving organizations to take sexual assault and abuse seriously and engage in prevention activities.

In order to clarify the bill and to narrow the focus of the immunity repeals to the more serious cases, MCASA respectfully suggests the following friendly amendments:

On page 5, lines 23-27 continuing to page 6, lines 1-2, and on page 8, lines 25-28 continuing to page 9, lines 1-3:

Strike:

(2) THAT ALLEGE:

(I) A SEXUAL OFFENSE UNDER TITLE 3 OF THE CRIMINAL LAW ARTICLE; OR

(II) INTIMIDATION, BULLYING, OR COERCION OF A SEXUAL

NATURE, UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS, OR OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE THAT TENDS TO CREATE A HOSTILE OR OFFENSIVE ENVIRONMENT.

And replace with:

(2) THAT ALLEGE:

(I) SEXUALLY ASSAULTIVE BEHAVIOR AS DEFINED IN § 10-923 OF THE COURT & JUDICIAL PROCEEDINGS ARTICLE; OR

(II) CONDUCT THAT WOULD VIOLATE §3-709 OF THE CRIMINAL LAW ARTICLE.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 201 with Amendments**