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To: Members of The House Judiciary Committee

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

Date: March 11, 2020

Subject: **HB272 – Criminal Law – Obscene Matter – Sexting by Minor**

Position: **Support**

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports HB272 – Criminal Law – Obscene Matter – Sexting by Minor.**

This bill addresses a growing and prevalent problem – the sending of sexually oriented pictures by minors to each other – in a sensible and thoughtful manner. It provides guidance for prosecutors and the courts in handling these cases, which have at times been prosecuted under the child pornography laws.

The bill defines sexting in a reasonable fashion. Rather than legalizing it, which would be counterproductive and dangerous, it makes the fact that a particular communication was one of a sexting nature on the part of a juvenile a mitigating factor that must be considered by a juvenile court. It prohibits the custodial detention of juveniles unless the court clearly specifies why that is in the best interest of the child.

The General Assembly has before it this year a number of bills dealing with this subject – a response to some recent prosecutions. This is the best and we suggest it be used as the framework for any legislation the Committee wishes to consider.

For the reasons stated, we **Support HB – HB272 – Criminal Law – Obscene Matter – Sexting by 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.

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 and Parker@MSBA.org.