

SenatorBailey_FAV_SB268.pdf

Uploaded by: Bailey, Jack

Position: FAV

JACK BAILEY
Legislative District 29
Calvert and St. Mary's Counties

Judicial Proceedings Committee



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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February 4, 2021

Senate Bill 268 – Criminal Law – Crime of Violence – Definition

Dear Chairman Smith and Members of the Committee:

I am writing to introduce Senate Bill 268 – Criminal Law – Crime of Violence – Definition, which would subject more offenders convicted of sexual abuse of a minor to stronger penalties.

In current Maryland law, sexual abuse of a minor in violation of §3-602 of the Criminal Law Article against a victim under the age of 13 is considered a crime of violence under certain circumstances. §3-602 prohibits a parent, another person who has permanent or temporary care or custody or responsibility for the supervision of a minor, a household member, or a family member from causing sexual abuse to a minor. Senate Bill 268 alters the definition of crime of violence under § 14-101 of the Criminal Law Article to include sexual abuse of a minor under specified circumstances where the offender is an adult and the victim is a minor younger than age 16.

This change strengthens Maryland's criminal laws by making sexual abuse of a minor between the ages of 13 and 15 crimes of violence, which subjects offenders to additional criminal penalties under Maryland law. At this time when Marylanders are increasingly focused on ways to stop crime in our state, this bill could be part of the solution by giving longer sentences to those who sexually abuse minors.

This bill is similar to one that I introduced last year, which I have revised based on feedback from members of this Committee. I respectfully request a favorable report on Senate Bill 268. Thank you for your consideration of this important bill.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bailey".

Senator Jack Bailey
District 29
Calvert and St. Mary's Counties

SB268Letterofsupportfinal.pdf

Uploaded by: Braveboy, Aisha

Position: FAV

AISHA N. BRAVEBOY
STATE'S ATTORNEY



JASON B. ABBOTT
PRINCIPAL DEPUTY STATE'S ATTORNEY

State's Attorney for Prince George's County
14735 Main Street, Suite M3403
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Maryland General Assembly
Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

Re: Favorable Report for Senate Bill 268

Dear Chairman Smith and Members of the Committee:

According to the National Children's Advocacy Center 1 in 10 children are sexually abused before the age of 18 and 15% of all sexual assault victims are between the ages of 12 and 17. 90% of children who are victims of sexual abuse know their abuser, 30% of are abused by family member and 60% are abused by a person the family trusts. The vast majority of these cases fall under the Sexual Abuse of a Minor Statute in Maryland, a crime that is currently only considered a crime of violence if the victim is 12 or younger.

It is hard to imagine anything more violent than the sexual assault of our children, and yet our current law has determined that minors who are 13 and older aren't traumatized in the same way, and don't warrant the same protections as children 12 and under. As the State's Attorney for Prince George's County, how do I tell a victim who was sexually assaulted by a family member that their abuser only has to serve a quarter of their sentence before being eligible for parole because the abuse started two weeks after she turned 13 and not when she was 12? I do not believe that this is just or in fact justice for our minors?

Our minors deserve better, and sexual abuse of a minor should be considered a crime of violence. Thank you for your time and deliberation on this bill, and I urge a favorable report.

Thank you for your consideration.


Aisha N. Braveboy

DWF Letter of Support SB268.pdf

Uploaded by: Feinstein, Debbie

Position: FAV



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

February 2, 2021

Senator William C. Smith, Jr.
Chairperson, Senate Judicial Proceedings Committee
11 Bladen Street
Annapolis, MD 21401

Dear Senator Smith:

I write in support of SB268, Criminal Law—Crime of Violence—Definition. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office. I also serve on the Montgomery County Child Advocacy Center's Multidisciplinary Team, a group that reviews cases involving child sexual abuse.

The crime of Sexual Abuse of a Minor, set forth in section 3-602 of the Criminal Law Article, criminalizes sexual molestation or exploitation of a minor by a parent, household member, family member, or any other person who has permanent or temporary care or responsibility for the supervision of a minor. Sexual molestation or exploitation includes rape and other sexual offenses. Currently, the crime of Sexual Abuse of a Minor only constitutes a crime of violence under section 14-101 of the Criminal Law Article if the victim is under the age of thirteen.

All minors who are sexually abused should receive the same protections as other victims of serious crime. Individuals who sexually abuse minors of any age 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 sexual abuse of a minor as a crime of violence for all minor victims also sends a strong message to our community about the seriousness of this offense and serves as a deterrent to would-be offenders.

Maryland law should delineate Sexual Abuse of a Minor as a crime of violence for all victims, regardless of age. I strongly urge the passage of SB268.

Sincerely,

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

SB 268 - Crime of Violence - Definition.pdf

Uploaded by: Shellenberger, Scott

Position: FAV

Bill Number: SB 268
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 268
CRIME OF VIOLENCE – DEFINITION

I write in support of Senate Bill 268 that expands slightly the definition of a crime of violence found in Criminal Law §14-101. Criminal Law §3-602 is Maryland's child abuse statute. In Maryland, a child for child abuse purposes are those under the age of 18. Under existing law, if one commits sexual child abuse on someone under 13 years of age it is a crime of violence.

Senate Bill 268 would raise that age to 16 years. This makes logical sense when one is a family member or household member you are in a position of authority. When that type of person is using their authority and position to sexually abuse those 16 years of age and under it should be a crime of violence. Why does this matter? Because there are many additional consequences to those convicted of crimes that are labeled crimes of violence including the amount of time you must serve in jail.

Senate Bill 268 is a logical common sense change and I urge a favorable report.