

Bill Number: HB 223
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 HB 223

I write in support of HB 223 that expands the definition of person in a position of authority with regard to sex offenses committed against minors.

Criminal Law § 3-308 has made unlawful sexual acts with a minor when committed by a "person in a position of authority," a crime. That statute limited those persons in a position of authority to those who work for schools.

The reality of this day and age is that our minor children often have contact with many adults who are not connected to a school but who oversee their sports teams, music groups, art groups, scout troops and the list can go on and on. These adults exercise as much authority over our children as school employees.

In Baltimore County we have had just such cases. A fencing coach – at a private fencing facility. The fencing coach offered to drive a 16 year old female home after practice was over. The parents agreed. He would drive her to a remote area where they would have sex and then drop her off at her house. He was found not guilty of sexual offenses. We could not use Criminal Law § 3-308 because he did not fall in the group of authorized persons and there was a debate about consent. Clearly the age difference and his position as her coach put him in a position of authority. Had he been a teacher, CR § 3-308 could have been applied.

House Bill 223 is a common sense approach to how those in authority in our children's lives should be held to the same standards as teachers when it comes to violations of trust.

I urge a favorable report.