



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 882 with 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 (SALI), a statewide legal services provider for survivors of sexual assault, including for survivors of child sexual abuse. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence in the State of Maryland. We urge the Judiciary Committee to report favorably on House Bill 882 with Amendments.

House Bill 882 – Work Group to Study Partial Expungement

This bill would create a work group to study the issue of partial expungement. MCASA supports this bill but requests that a seat for the federally recognized state sexual assault coalition (MCASA) be included on the work group. We also respectfully suggest that another seat for an organization representing victims of crime be included.

MCASA recognizes that many survivors of sexual assault, including sex trafficking, become involved with the criminal justice system and face a disproportionate risk of conviction for various misdemeanors. These convictions can hinder a survivor's ability to find employment and housing, both of which are crucial to safety and stability.

On the other hand, perpetrators of sex crimes and other crimes involving personal power-based violence frequently avoid detection by the criminal justice system and often engage in a pattern of violence. These crimes may include intimate partner violence, child abuse, and elder abuse (sexual or not). Whether an individual has committed one of these crimes in the past is crucial information for victim services providers and their clients as they conduct safety planning and evaluate risk. Complicating this further, power-based violence cases are all too frequently pled down to lower offenses. Cases involving rape, child abuse, and elder abuse often result in convictions for simple assault (assault in the 2d degree). Therefore, it is important to have access to the factual basis of a conviction.

Finally, MCASA appreciates the criminal justice system's failure to equitably respond to Black and Brown defendants as well as to Black and Brown victims. Defendants and victim with limited means are also disproportionately mistreated. We fully support efforts to end racism and classism in our courts and law enforcement.

Together, these competing concerns require public policy that is nuanced and have led us to the following policy positions:

1) Shielding is preferable to expungement for power-based violence and, critically, victim services providers should have access to all shielded records. This is currently the process for shielded protective orders and allows access to information necessary for safety planning. See Family Law Article §4-512(f)(v). (Victim services providers are defined in the same section at (a)(5) and are non-profit or government organizations authorized by the Governor's Office of Crime Control & Prevention).

2) Crimes that require sex offender registration should not be subject to expungement or shielding.

3) MCASA strongly opposes policies that would dismantle the unit rule for power-based violence. Again, cases involving rape and child abuse, including child sexual abuse, are all too often pled down to assault and it is critical to have access to the factual basis for charges in order to conduct safety planning for survivors.

These complicated and nuanced issues are well suited to discussion by a work group and MCASA supports this bill with the amendments listed above to add seats at the table and ensure the needs of survivors are included.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to report favorably on
House Bill 882 with Amendments**