



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB 223 – Person in a Position of Authority – Sexual Offenses with a Minor

My first year in office I received an email from a distraught father. For years he had been seeking justice for his daughter. Her life – their whole family’s lives – had been torn apart and they were still suffering. His daughter, who struggled with mental health challenges found an interest in music. Her father, wanting to support her, got a reference from a professor at Montgomery College for her to take lessons with an adjunct professor. He was in his 50s and appeared kind. Her father drove her to this man’s house, every week, for nearly two years. The father sat in the house while the teacher took the young woman into his sound proof music room. Unbeknownst to the father, during that time, the man was using his position to gain her trust and touch her inappropriately. When she turned 18, he began to have sexual intercourse with her. Over time this behavior moved out of the home music studio. He took her for car rides and gave her alcohol and cannabis to lower her inhibitions.

Not long after the relationship ended, the young woman’s mental health declined. She became a picky eater. Obsessively washed her hands, brushed her teeth. She had irrational fears and disturbing thoughts. Finally, full of guilt and shame, she told her father what had happened.

Her father confronted the man, who apologized. He said he was “ashamed of his actions.” That he “knew she was fragile” and that he “hurt her deeply.” He knew what he did was wrong.

The family sought justice for their daughter, and to prevent this man from doing this to another young woman. They went to the Montgomery County State's Attorney's office, only to find out the State could not prosecute him because of a loophole in the law. The young woman was 17, which meant she could have a consensual sexual relationship with anyone over 18, unless the offender is a family member, household member, or has care and custody over her, or if he was a school employee who supervised her. In this case he met neither of those definitions. Her father did not relinquish care and custody to the offender, and he does not meet the definition of person in a position of authority under current law. The awful irony is that the father wasn't comfortable leaving his 17-year-old daughter in the house of a man in his 50s, and that he sought private instruction rather than having her receive music lessons at school. If he had left the house, or if the offender was a teacher in a public or private preschool, elementary school, or secondary school, the State's Attorney would have been able to prosecute. But they couldn't.

Members of the General Assembly have worked on this issue before, including the current Chair of this committee, as well as then-Senator Raskin. On a nearly unanimous vote in both chambers, they made the law stronger, but this loophole remains.

As you will hear, this is a recurring problem. I ask you to finally close this loophole, protect those 16 & 17 year olds who are abused by persons who have authority over them, and bring closure – if not justice – to this family.

For the foregoing reasons, I respectfully request a favorable report on HB 223.