



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Brian DeLeonardo
President

Steven I. Kroll
Coordinator

DATE: January 20, 2021

BILL NUMBER: HB 223

POSITION: Favorable

The Maryland State's Attorney's Association (MSAA) supports HB 223.

HB 223 alters the definition of "person in position of authority" under Criminal Law 3-308 to include employees of instructional institutions such as dance centers and martial arts programs, coaches of sports teams, scout leaders, and other extracurricular program leaders.

HB 223 aims to address a much needed resolution to the current gap in the criminal law statutes regarding offenders who exploit the unequal power dynamic in the leader/student relationship. While teachers and other educational employees are currently considered "persons in position of authority," other extracurricular program employees are not. By the very nature of a leader/student relationship, there is a power imbalance. HB 223 recognizes the power imbalance and the leader's exploitation of that imbalance.

Currently, if a martial arts instructor were to engage in a sexual relationship with a student outside of class, unless the student was 15 or younger, any sexual activity would not be criminal, regardless of the instructor's age. Whereas, if the same sexual relationship were to occur between an educational teacher and student, it would be criminalized under the current Criminal Law 3-308.

Individuals who prey on children are drawn to positions that give them access to children. By closing the gap and including extracurricular leaders as "persons in position of authority" we are protecting our children from the inherent power imbalance present in that relationship and the perpetrator's exploitation thereof.

For these reasons, the MSAA requests a favorable report on HB 223.