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## Working to end sexual violence in Maryland

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### **Testimony Supporting Senate Bill 303 Only if Amended** **Lisae C. Jordan, Executive Director & Counsel** February 8, 2022

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. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. MCASA urges the Finance Committee to issue a favorable report on Senate Bill 303 only if amended.

Stealthing is the practice of removing a condom without a partner's consent and continuing to engage in sexual activities. A [study](#) published in the National Library of Medicine in 2019 found that 12% of women had experienced stealthing. An [Australian study](#) from the same year suggests it's even more widespread: one in three women and one in five men reported being victims of stealthing. Women reporting being stealthed were more likely to be a sex worker. There are videos and other materials on the Internet providing instruction on how best to stealth and prevent one's partner from knowing a condom has been removed.

Without question, stealthing is an outrageous sexual, physical, and psychological violation that can lead to unwanted pregnancy, sexually transmitted infections (STIs), and serious emotional distress. SB303 would create a separate cause of action for stealthing, including damages, attorneys fees, injunctive, and other relief. MCASA appreciates the intent of the sponsor and applauds efforts to stop stealthing. Stealthing is a type of (sexual) assault and assaults are currently torts and subject to civil lawsuits. SB303 adds the availability of attorneys fees, an improvement over current law. If this approach is used for stealthing, it should be available for all sexual assaults.

Proving a stealthing case would also present significant challenges in the courtroom, and the civil action alone may do little to actually deter the practice. To help end stealthing, MCASA respectfully suggests that sexual assault prevention and education programs include information on stealthing awareness. Moreover, we note that the Department of Health has cut funding for many community based sexual assault prevention programs throughout the State and urge the General Assembly to consider action to restore and increase funding to sexual assault prevention.

**The Maryland Coalition Against Sexual Assault urges the  
Finance Committee to  
report favorably on Senate Bill 303 Only if Amended**