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Testimony for HB 34: Criminal Law - Indecent Exposure Within the Sight of a Minor

Good afternoon Mr. Chairman, Vice Chair, and members of the committee. I'm Del. Brian Crosby and it's an honor to present HB 34, entitled Criminal Law - Indecent Exposure Within the Sight of a Minor.

In 15 states across the country, indecent exposure penalties are enhanced when committed against, or within sight of, a minor. In two of our neighboring states, for example, Virginia and Pennsylvania, the penalty for committing indecent exposure increases from a Class 1 misdemeanor to a Class 5 felony, or from a second degree misdemeanor to a first degree misdemeanor, respectively, when committed against a minor. This translates to a doubled cap on any fine or jail sentence imposed by a judge in Pennsylvania, and a jail sentence up to ten times longer in Virginia. In the remaining 13 states, this formalized penalty enhancement is similar, but Maryland has yet to make the same distinction which, in practice, creates an arbitrary and low cap of punishment for sexual crimes committed against some of our most vulnerable citizens. This bill increases the potential imprisonment cap from three to five years, and the potential fine cap from \$1,000 to \$10,000 for indecent exposure within sight of a minor with prurient intent. The bill only applies if the offender is more than 4 years older than the victim. It does not establish a floor for minimum punishment, because I recognize that extenuating circumstances may certainly warrant lesser consequences; however, I believe that our courts deserve increased flexibility when it comes to protecting our kids.

Maryland law already recognizes the importance of this issue, and provides judges the option to require perpetrators to register as sex offenders if they commit indecent exposure against a minor as a deterrent. HB 34 provides an expanded alternative, in line with that of other states, to achieve that same goal. As such, I ask for a favorable report on this bill, and will take any questions you have at this time.