



BILL NO: Senate Bill 326

TITLE: Criminal Law – Visual Surveillance With Prurient Intent – Minor Victim

COMMITTEE: Judicial Proceedings

HEARING DATE: February 8, 2022

SUBMITTED BY: Caroline Ackerman, Managing Attorney of Maryland Legal Services & Special Projects, Amara Legal Center

POSITION: SUPPORT

The Amara Legal Center writes to support Senate Bill 326 (SB326). We are grateful that Senator Lee introduced this important legislation to address visual surveillance and sexual exploitation of minors. Thank you for giving us the opportunity to share our thoughts.

The Amara Legal Center (“Amara”) provides free legal services in Washington, D.C., Maryland, and Northern Virginia to survivors of sex trafficking and to anyone whose rights are violated while involved in commercial sex. Since 2013, Amara has served over 500 clients. Although many believe that sex trafficking only occurs overseas or among foreign nationals, the vast majority of Amara’s clients are U.S. citizens, both juveniles and adults born and raised in the D.C. metro area. Amara provides brief legal advice, partial and full representation for civil legal issues such as civil protection orders, divorce, child custody and support, and name changes. In addition to civil legal services, Amara provides victim-witness advocacy for clients working with law enforcement, criminal/juvenile defense, and representation in criminal record sealing and expungement cases.

Traffickers use both physical and non-physical means to exert power and control over victims. One method is the nonconsensual recording and/or disclosure of intimate, private photos and videos. Examples include covert placement of recording devices that capture commercial sex acts without the parties’ knowledge, nude or semi-nude photos posted as advertisements online without the individual’s consent, or threats to share intimate photos or videos with friends or family if the victim does not comply with certain demands. This nonconsensual surveillance and disclosure results in severe trauma to victims whose privacy is violated.

SB326 addresses the abuse perpetrated by traffickers and individuals who record or otherwise conduct visual surveillance of minors in places where there is a reasonable expectation of privacy. SB326 recognizes that minors are especially vulnerable to nonconsensual surveillance as adults control their surrounding environments in schools, recreational settings, and private homes. Recognizing the harm caused by such surveillance, SB326 creates an enhancement so that individuals who are at least four years older than the minor victim may be charged with a felony-level instead of a misdemeanor-level offense. This enhancement would enable perpetrators to receive longer sentences, up to ten years, which will keep survivors safe as they work on healing and moving forward. We also would like to note the possibilities of the criminalization of sex trafficking survivors who may be forced or coerced by their traffickers to engage in criminal activity. All too often, we see victims who are charged with crimes as a result of their trafficking, and we would be remiss to not acknowledge this in this testimony.

With that said, the Amara Legal Center supports SB326, and we urge the committee to protect youth from sexual exploitation in the form of visual surveillance by passing this felony enhancement. We respectfully urge a favorable report.