

HB 959  
Written testimony  
Favorable

Rose Forrest  
District 31  
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I am writing in support of Del Novotny's HB 959. I have three children in public schools in Maryland and I want to make sure they are safe.

HB 959 closes a gap in Maryland Law. I have personal experience with this gap. I am an attorney with the Maryland National Guard. I not speaking on behalf of the organization, but I would like to share a problem that I faced in my role as a legal advisor to the command.

In the fall of 2019, the civilian employer of one of our Soldiers, a law enforcement agency in Maryland, contacted the command. He reported that the department was conducting an internal investigation into on duty misconduct by a Soldier while he was assigned as a Student Resource Officer (SRO) in a local high school. The allegation was that the SRO engaged in a sexual relationship with a minor student at the school where he was assigned. I was asked to provide legal advice to our leadership. I explained that I would have to research Maryland law, but I suspected that the SRO may be charged with a crime based on the fact pattern.

What I found that under current law this SRO committed no crime<sup>i</sup>. Although it is fourth degree sexual offense for someone employed by, or contract by, the school to have sex with a minor in that school, this law didn't apply because the SRO was employed by the county sheriff office, not the school. Ultimately the SRO resigned in lieu of standing for a board of inquiry. The administrative charges were for misuse of his position. This is grounds for termination per department policy, but not a crime. Because he resigned, there is no record of this misconduct, and this individual can seek employment elsewhere in law enforcement or with children.

This problem extends past SROs. The gap in current law creates space for a list of employees who have access to minors in schools, but are not technically employed by or contracted by the school. Any adult who has access to students should have the same prohibition on sexual relationships as adults who are employed by the school.

Thank you for fixing this gap in our law.

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<sup>i</sup> The minor involved was sixteen years old, outside of Maryland's statutory rape scheme.