



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 209
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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. We urge the Judiciary Committee to report favorably on House Bill 209.

House Bill 209 – Repeal of statute “Unnatural and Perverted Sexual Practice”

This bill repeals the outdated laws prohibiting “unnatural and perverted sexual practice”. Criminal Law §3-322, so called “unnatural and perverted sexual practice,” prohibits a person from (1) taking the sexual organ of another or of an animal in a person's mouth; (2) placing the person's sexual organ in the mouth of another or of an animal; or (3) committing another unnatural or perverted sexual practice with another or with an animal. This misdemeanor is subject to imprisonment for up to 10 years and a fine of up to \$1,000. It is substantially similar to the former law of sodomy, which was repealed in 2020. The law is outdated and contains offensive provisions which should be rescinded.

Animals. In 2019, the General Assembly enacted provisions prohibiting sexual abuse of animals by amending the law on aggravated cruelty to animals, §10-606. This improved Maryland's public policy by permitting courts to order offenders away from animals, prohibiting offenders from having pets, and imposing other conditions to protect animals. The changes to §10-606 eliminates the need for the provisions related to animals in §3-322.

People. Provisions prohibiting “sodomy” and the remaining other sexual practices in §3-322 have historically been used against the LGBTQ+ community and, as such, are offensive reminders of what we hope is a bygone era. State and federal case law has largely invalidated these laws as applied to consenting adults. Maryland's somewhat antiquated sex crimes laws meant the provisions were still occasionally useful when force was difficult to prove, typically cases involving coercion or power imbalances. In recent sessions, Maryland has passed laws making it clear that physical resistance is not necessary to prove force, §3-319.1, and expanding prohibited sexual activity to include a wide variety of coercive activities, §3-709. The offensive and disrespectful nature of §3-322 now far outweigh any utility it may have had. The General

Assembly repealed the sodomy law in 2020, but was still in discussion regarding whether §3-322 should also be repealed when the legislature adjourned as a result of the COVID-19 pandemic. A recent case in Harford County involving criminal charges against men engaged in consensual sexual activities makes it clear that the Legislature must repeal the provisions of §3-322.

HB209 addresses other concerns raised in 2020 about whether there would be an unintended consequence to repeal of these provisions and repeal would make it more difficult to prosecute sexual crimes against children. MCASA states unequivocally that HB209 will not weaken Maryland's laws against sexual crimes against minors and notes that language is included in HB209 clarifying that any sexual conduct that is a crime is included in Maryland's definition of child abuse.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 209**