



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 126
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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 Judicial Proceedings Committee to report favorably on House Bill 126.

House Bill 126 – Visual Surveillance with Prurient Intent – Minor Victim

This bill increases the penalty for visual surveillance with prurient intent when the victim is a minor, raising the potential penalty from up to one year, a \$1,000 fine, or both to up to ten years, a \$5,000 fine, or both.

This bill is exactly the same as passed the Senate Judicial Proceedings Committee and 2d reader on the Senate floor last session, but failed to have a final vote on *sine die*.

This bill is prompted by the very disturbing case involving Jonathan Newell, a judge on the Circuit Court for Caroline County. A 15 year old boy discovered a camera pointed towards the shower and reported this to his parents. Law enforcement were notified and Newell ate evidence in the course of the investigation; Newell died from a self inflicted gunshot before he could be brought to justice. https://www.washingtonpost.com/local/public-safety/maryland-judge-kills-self-after-eating-evidence/2021/09/10/8834b9ba-125b-11ec-9cb6-bf9351a25799_story.html

The current penalty for this crime is far too low. The harm from visual surveillance with prurient intent can be quite serious. The pandemic helped increase sexual exploitation using the internet and the footage from visual surveillance provides the content for perpetrators to use in public exploitation as well as for their own use. Moreover, just the capturing of these images inflicts harm and invades privacy, with survivors reporting emotional distress, fear of public places and activities such as using public restrooms. MCASA fully supports increasing the penalty for cases involving children and respectfully suggests that Committee may want to consider increasing the penalty for all cases.

Importantly, the Newell case also highlighted a potential loophole: homes are not considered private places under this statute. MCASA appreciates and supports HB126 language clarifying that this definition includes private residences.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on House Bill 126**