



STATE'S ATTORNEY
JOHN J. MCCARTHY

State's Attorney for Montgomery County

50 Maryland Avenue
Rockville, Maryland 20850

240-777-7300
FAX 240-777-7413
WWW.MONTGOMERYCOUNTYMD.GOV/SAO

DEPUTY STATE'S ATTORNEYS
PETER A. FEENEY
RYAN S. WECHSLER

March 13, 2023

The Honorable William C. Smith, Jr.
Chairperson, Senate Judicial Proceedings Committee
11 Bladen Street
Annapolis, MD 21401

Dear Chairperson Smith:

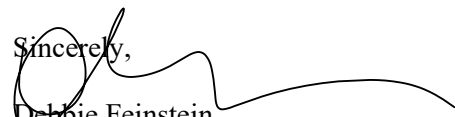
I write in support of SB0755—Law Enforcement Officers—Sexual Contact With a Person in Custody—Penalty. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office and a member of the Montgomery County's Child Advocacy Center's Multidisciplinary Team and Sexual Assault Response Team. I also chair Choose Respect Montgomery, an initiative aimed at reducing teen dating violence and sexual assault. Lastly, I co-chair the Maryland State's Attorneys Association's Special Victims Subcommittee.

A number of years ago, my office prosecuted a case where a law enforcement officer was charged with having sexual contact with a suspect in his custody. The suspect was handcuffed at the time of the sexual contact. The officer repeatedly sexually assaulted the suspect and threatened to go after them or their family if they told anyone. The officer was not convicted of the sex offenses they committed, but instead, the jury found them guilty on a lesser misdemeanor, and they received a short sentence.

SB0755 provides an appropriate sentencing range for this crime. Third Degree Sexual Offense, section 3-307 of the Criminal Law Article, already criminalizes sexual contact with a person who is physically incapacitated. SB0755 will bring the level of offense and penalty for sexual contact with a person in police custody into parity with the now-existing law. Moreover, by providing a higher penalty and by making this crime a felony, this bill will provide greater protection against sexual assault for suspects and charged defendants.

Law enforcement officials hold positions of trust in our society. Those that abuse that trust and sexually assault individuals in their custody should be held fully accountable and the law should clearly reflect the gravity of their actions. I urge a favorable report on SB0755.

Sincerely,


Debbie Feinstein
Chief, Special Victims Division
Senior Assistant State's Attorney