



BILL NO: House Bill 412
TITLE: Criminal Law - Sexual Crimes - Consent and Second-Degree Rape
COMMITTEE: Judiciary
HEARING DATE: February 21, 2023
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue a favorable report on HB 412.**

House Bill 412 changes Maryland's rape law by defining consent and repealing language that focuses on whether a victim resisted the sexual act and whether there was force or threat of force by the alleged perpetrator. The definition of consent in HB 412 changes the focus to whether there is a clear and voluntary agreement between the people involved. Consent, as defined in HB 412, includes a clear and voluntary agreement, the right to withdraw consent, and communication through words or conduct and based on the totality of the circumstances. The definition also includes what is not consent including what someone is wearing, a prior relationship, or as a result of fear, threat, or coercion. No documentation is required for consent.

The prevalence and devastating impact of sexual assault and rape is alarming. Instead of determining whether there was consent based on whether a victim resisted, HB 412, by removing force or threat of force, changes the focus to whether there is a clear and voluntary agreement between the people involved. HB 412 provides clear language on what consent is and how it can be communicated through words or conduct, and that consent can be withdrawn at any time.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on HB 412.**