



BILL NO: House Bill 748
TITLE: Law Enforcement Officers - Sexual Contact With Person in Custody -
Penalty
COMMITTEE: Judiciary
HEARING DATE: February 28, 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 748.**

House Bill 748 builds off previously passed legislation to ensure that law enforcement officers do not abuse their power over a victim, witness, or suspect in a police investigation. Existing law prohibits law enforcement from engaging in sexual contact, vaginal intercourse, or a sexual act with a person who is a victim, witness, or suspect and the officer is involved in the investigation or knew or should have known of the person was a victim, witness, or suspect. In any situation, a police officer, likely uniformed and armed, empowered with the authority to arrest wields an extraordinary amount of power and control over others. There cannot be true consent to sexual contact during a police investigation due to the imbalanced power and control that police have over victims, witnesses, and suspects.

Survivors of domestic violence frequently do not report the violence they suffer to the police. It is one of the most underreported crimes. A 2015 study conducted by the National Domestic Violence Hotline found that 80% of the survivors of domestic violence surveyed who had never called the police before indicated that they were “somewhat or extremely afraid to call them in the future.”¹ Of the survivors surveyed that had called the police because of the domestic violence, 1 out of 4 said that they would not call again.² In order to begin to end the trauma and violence suffered by survivors of domestic violence, they must feel trust and confidence in the police when calling for help, and unfortunately that trust and confidence does not currently exist.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report with sponsor amendments on HB 748.**

¹ National Domestic Violence Hotline, Who Will Help Me? Domestic Violence Survivors Speak Out About Law Enforcement Responses. Washington, DC (2015). <http://www.thehotline.org/resources/law-enforcement-responses>

² *Id.*

For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • mshapiro@mnadv.org



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1997 Annapolis Exchange Parkway, Suite 300 • Annapolis, MD 21401
Tel: 301-429-3601 • E-mail: info@mnadv.org • Website: www.mnadv.org