



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 212
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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 in the State of Maryland. We urge the Judiciary Committee to report favorably on House Bill 212.

HB212 – Indecent Exposure within Sight of a Minor

HB212 would increase the penalty for indecent exposure with the sight of a minor. Indecent exposure is currently a common law crime, described by the Court of Appeals as follows: "... indecent exposure [means] the defendant intentionally exposed his penis or other body part that should not be exhibited in a public place. Indecent exposure, to amount to a crime, must have been done intentionally. Intent may be inferred from the conduct of the accused and the circumstances and the environment of the occurrence." *Wisneski v. State*, 398 Md. 578 (2007). Legislation last year clarified that indecent exposure includes masturbation in public whether or not a person's genitals are exposed.

Indecent exposure covers a range of behavior, and when a child is the target, the behavior can be especially harmful and intimidating. Additionally, indecent exposure is often a gateway crime to more serious sex offenses. HB212 recognizes the serious nature of indecent exposure to child by increasing the penalty from 3 years/\$1000 fine to 5 years/\$10,000 fine.

MCASA notes that HB212 includes the reasonable limitation that there must be an age difference of at least 4 years between the people involved. This is an appropriate response to young people and similar to other sex crimes provisions. We note that offenders within 4 years older than the other person would still be subject to the common law crime of indecent exposure, simply not to the heightened penalty.

**The Maryland Coalition Against Sexual Assault urges
the Judiciary Committee to report favorably on House Bill 212**