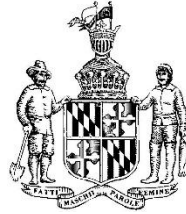


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January 31, 2023

Testimony in **Support** of

HB 0131 – Criminal Law – Unnatural or Perverted Sexual Practice - Repeal

Dear Chairman Clippinger, Vice Chairman Moon, and Members of the Committee:

I am writing to show my strong support for House Bill 0131 on behalf of State's Attorney Aisha Braveboy and the Maryland State's Attorneys' Association, and to urge a favorable report. Criminal Law Article §3-322 is an outdated and unnecessary statute and we urge its repeal.

I serve as the Chief of the Special Victims & Family Violence Unit in Prince George's County. My staff and I carry an extensive caseload of cases involving sexual crimes against both adults and children. Our goal is to seek justice for the victims of some of the worst types of abuse that can befall our community. As part of our pursuit of justice, it is incumbent upon us to bring attention to laws that leave room for injustice and unfair application. Criminal Law Article §3-322 is one such law.

This statute criminalizes two general categories of behavior: certain acts with other persons and certain acts with animals. Most concerning, the statute does not specify that the acts between persons must be non-consensual or otherwise criminal in nature, leaving open the possibility that consensual sexual acts between two adult partners could be prosecuted. The potential for unjust application of this law is a risk that should not be tolerated.

Repeal of this law does not mean that the category of behavior concerning sexual acts with animals will go unprosecuted. Nor does it mean that non-consensual acts between persons will go unprosecuted. However, these criminal applications are addressed by other statutes already on the books – many with steeper penalties.

For example:

- Non-consensual fellatio and/or cunnilingus between adults is addressed by CR § 3-303 and CR § 3-304;
- Fellatio and/or cunnilingus between an adult and a minor is addressed by CR § 3-303, CR § 3-304, CR § 3-307, CR § 3-308, and CR § 3-602 (in some cases); and
- Sexual contact between a person and an animal is addressed by CR § 10-606.

Criminal Law Article §3–322 leaves the door open for injustice while not serving any necessary purpose under the law. For the foregoing reasons, I respectfully urge a favorable report, and ultimately passage, on HB 0131 to repeal this law.

Sincerely,



Jessica L. Garth
Chief, Special Victims & Family Violence Unit
State's Attorney's Office for Prince George's County