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January 27, 2023

The Honorable Luke Clippinger & Members of the House Judiciary Committee  
Chairperson, Judiciary Committee  
6 Bladen Street  
Annapolis, MD 21401

Dear Chairperson Clippinger and Judiciary Committee Members:

I write in support of HB126—Criminal Law—Visual Surveillance With Prurient Interest—Minor Victim. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office. My division is responsible for prosecuting cases involving sexual abuse and exploitation of minors. I am a member of the Montgomery County Child Advocacy Center's Multidisciplinary Team and the Governor's Family Violence Council, as well as other teams that work to prevent sexual violence.

Section 3-902 of the Maryland Criminal Law Article prohibits individuals, without consent, from visually surveying another person in a private place, and it prohibits individuals, without consent, from visually surveying another person with a camera under circumstances where a reasonable person would believe the area would not be visible to the public.

HB126 enhances the penalty for this crime when the perpetrator surveys a minor and the perpetrator is four or more years older than the minor victim. The crime remains a misdemeanor, but the penalty becomes up to five years in jail. The current crime is a misdemeanor with a maximum penalty of one year.

My division has prosecuted many cases where the perpetrator set-up a hidden camera to view the activities of a minor victim. We have seen cases where the camera is in a bathroom, changing room, or private bedroom. When the perpetrator is a parent, family member, household member, or person with supervision over the minor, the State can charge the perpetrator with Sexual Abuse of Minor, Section 3-602 of the Criminal Law Article, under a sexual exploitation theory. Sexual Abuse of a Minor, a felony, has a maximum penalty of twenty-five years. If the perpetrator is not a parent, family member, household member, or person with supervision over the minor, the penalty goes from twenty-five years to one year.

HB126 is a fair bill that provides equity to minors who are visually surveyed and sexually exploited irrespective of the relationship between the minor and the perpetrator. The conduct is the same. The law on visual surveillance should differentiate between the exploitation of minors and adults, just as Maryland law does in so many other circumstances.

I strongly urge this Committee to issue a favorable report on HB126.

Sincerely,

  
Debbie Feinstein

Chief, Special Victims Division  
Senior Assistant State's Attorney