



TESTIMONY FOR SB0758
Criminal Law - Sexual Crimes Definition of Consent
and Repeal of Force

Bill Sponsors: Senator Kelly
Committee: Judicial Proceedings
Organization Submitting: Maryland Legislative Coalition
Person Submitting: Aileen Alex, co-chair
Position: **FAVORABLE**

I am submitting this testimony in favor of SB0758 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups representing every district in the state and serving well over 30,000 members.

SB0758 aims to clarify consent standards and strengthen protections against sexual crimes in Maryland. This legislation narrows the definition of consent to exclude the basis of a previous sexual relationship or manner of dress. It also allows consent to be withdrawn and may not be interpreted as given if the victim is frozen from fear.

Current Maryland law requires proof that the survivor tried to stop the rape. This contradicts what we teach students, that consent means the unambiguous and voluntary agreement between adults. Yet, our criminal law requires more – effectively creating a duty to affirmatively *refuse* sex. Maryland’s current law fails to protect victims who freeze when faced with an assault.

Rape can cause physical and emotional harm to the victim and may have long-term effects on their health and well-being. Rape can happen to anyone, regardless of gender, age, or sexual orientation and is underreported, especially by minorities. The U.S. Department of Justice estimates that for every white woman that reports her rape, at least five white women do not report theirs; and yet, for every African American woman that reports her rape, at least fifteen African American women do not report theirs.

Strengthening protections against sexual crimes and narrowing the definition of consent improves the chances for prosecution and may cause more victims to report this violent crime. This will help with treatment and long-term solutions to this repugnant crime.

We support this bill and recommend a **FAVORABLE** report in committee.