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The Honorable William C. Smith
Chairman, Senate Judicial Proceedings
11 Bladen Street
Annapolis, MD 21401

Dear Chairman Smith:

Please accept this written testimony to respectfully request a favorable report on **SB0758**, Criminal Law—Sexual Crimes—Definition of Consent and Repeal of Force. I am a Deputy State's Attorney for Queen Anne's County, a leadership member of the Queen Anne's County CARE (Child Abuse Recognition and Evaluation) Team, and a member of the Queen Anne's County SART (Sexual Assault Response Team). In these roles, I assist in the supervision and prosecution of sexual crimes against children and adults. Additionally, I participate as a member of the Maryland State's Attorney's Association's Legislative Committee and Special Victims Subcommittee.

In my role as a prosecutor in a largely rural and close-knit community for over 16 years, I have had too many conversations with victims of sexual assault. Unfortunately, in a lot of these conversations, I have had to tell victims who have been sexually violated that the crimes that have been committed against them, because there was no force, are not rape, even though they said no or did not consent to the conduct.

My most recent case involved a 17-year-old female who was being sexually abused through both oral and anal penetration by her father. The construct of her household was one in which her father was the supreme authority. The children, especially the female children, did not disobey. My victim did not disobey. On August afternoon in 2022, this victim was instructed by her father to perform oral sex on him. She did. Her other choices would have been to say no, resist, run away. But that is not how she was raised. She also knew that there would be consequences for disobedience. She was fearful of being physically disciplined. She was fearful of not being able to attend school. She was fearful he would do it to her other sisters. So, she did it. She gave him oral sex. Ultimately, this victim's father was charged. He was tried by a jury. They hung. There was a retrial. She was cross-examined to the point of victim shaming: Why didn't you resist? Why didn't you run? Ultimately, this man was convicted of sexual abuse of a minor. However, he was acquitted of rape because there was no force. That is not fair.

The rape statute, as currently constructed, requires the element of force. It is as if this statute puts the onus on a victim to resist a sexual assault in order for force to occur. Again, that is not fair. Taking someone sexually... penetrating them without their consent is already too much of a violation. Asking for the

additional element of force is not fair. The statute equates vaginal, anal, and oral penetration without consent to fondling. And it is not... it is so much more. It should be rape.

I am mom. I talk to my daughter about her rights all the time because it is so important for her to know that no one can touch her without her consent. Our children are being educated in school about consent. We are doing this because we believe that our children should have the ownership of their own bodies. And no one should be touching them without their consent.

No is more than enough. A victim should not be expected to give more. For these reasons, I respectfully request a positive report on **SB0758**.

Thank you for your time and consideration.

Very truly yours,

Christine Dulla Rickard

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