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TO: The Honorable Will Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Tiffany Johnson Clark
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 177- Law Enforcement Officers, Correctional Employees, and Court-Ordered Services Providers - Prohibition on Sexual Activity - Penalties and Registry
(Support)

The Office of the Attorney General (OAG) urges the Judicial Proceedings Committee to give **Senate Bill 177 – Law Enforcement Officers, Correctional Employees, and Court-Ordered Services Providers - Prohibition on Sexual Activity - Penalties and Registry** sponsored by Senator C. Anthony Muse a favorable report.

The bill would raise the maximum penalty, from a 3-year misdemeanor to a 10-year felony, for law enforcement officers, correctional officers, and other correctional personnel engaging in sexual conduct (vaginal intercourse, sexual acts, or sexual contact) with a person in the officer's custody or who is a victim, witness, suspect, person requesting the officer's assistance in the course of the officer's duties, or person under supervision. See § 3-314 of the Criminal Law Article. We support increasing the potential penalties for sexual conduct by officers with persons in their custody or with whom they are interacting in their official duties. With the sponsor amendments, the bill would do so by raising the penalty for the § 3-314 offense, classifying it as a felony, and subjecting it to

Tier I sex offender registration when committed against an adult victim (the offense when committed against a minor victim is already subject to Tier II or Tier III registration, depending on whether the victim is over or under 14 years of age; the bill does not alter those provisions).

This legislation is an appropriate measure to hold accountable officers who violate the public trust and victimize the persons in their custody or supervision. For the foregoing reasons, the Office of the Attorney General urges a favorable vote on **Senate Bill 177**.