



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 2nd, 2024

**Testimony in Support of SB391
Criminal Law - Sexual Extortion, Stalking, and Revenge Porn -
Statute of Limitations and In Banc Review**

Dear Chair Smith, Vice Chair Waldstreicher, and Committee Members,

I am before you today to speak about SB391 *Criminal Law - Sexual Extortion, Stalking, and Revenge Porn - Statute of Limitations and In Banc Review*.

SB391 originated from the Governor's Family Violence Council Stalking Subcommittee.

Due to the complexities of stalking, sextortion, and revenge porn cases, including victims not recognizing that they're being stalked or that their sexual images have been nonconsensually shared until years later, these cases are often not able to be prosecuted due to a one-year statute of limitations.

Maryland Courts and Judicial Proceedings §5-106(b) classifies some misdemeanors as not having a statute of limitations. As you will see from the chart below my written testimony, there are 25 misdemeanors with no statute of limitations in the Criminal code, including sex trafficking, persuasion of a minor under 16, and perjury.

SB391 adds stalking (§ 3-802), sextortion (§ 3-709), and revenge porn (§ 3-809) to this list.

SB391 will NOT increase criminal penalties, it will only allow victims the time needed to seek protection and have the opportunity for law enforcement to *thoroughly* investigate their case.

Among our witnesses today you will hear from Debbie Feinstein, who serves on the Governor's Family Violence Stalking Subcommittee, and is Senior Assistant State's Attorney and Chief of the Special Victims Division at the Montgomery County State's Attorney's Office. Debbie will explain in detail the difficulties of why these crimes are not often able to be prosecuted due to the current statute of limitations. Mary Setzer, Senior Assistant State Prosecutor for the Maryland Office of the State Prosecutor will provide examples of cases that have been negatively affected by the current statute of limitations. You will hear compelling testimony from Carrie Tirrell with Maryland Coalition Against Sexual Assault's Sexual Assault Legal Institute and Melanie Shapiro, Public Policy Director at Maryland Network Against Domestic Violence about the effects and risks of these crimes.

I thank you for your consideration and urge a favorable report for SB391.

Additional crimes that are misdemeanors guided by 5-106(b)

§ 8-606.1. Use of forged, falsified, or counterfeit signatures prohibited

§ 8-701. Embezzling, altering will or record

§ 8-406. Misuse of documents of title

§ 9-202. Bribery of juror; acceptance of bribe by juror

§ 8-401. Fraudulent conversion of partnership assets

§ 8-702. Destroying will

§ 6-106. Burning with intent to defraud

§ 7-115. Rehypothecation of personal securities

§ 8-608. Counterfeiting stamp of Comptroller

§ 7-116. Failure to Deliver Documents for Merchandise

§ 8-607. Counterfeiting public seal

§ 11-305. Persuasion, enticement, or aid in persuasion or enticement of individuals under age of 16

§ 8-402. Fraudulent misrepresentation by corporate officer or agent

§ 11-304. Received earnings of prostitute

§ 3-1102. Sex trafficking

§ 4-405. Use of machine gun for aggressive purpose

§ 7-114. Defalcation

§ 7-113. Embezzlement--Fraudulent misappropriation by fiduciaries

§ 9-102. Subornation Perjury

§ 10-402. Removing human remains without authority

§ 9-204. Bribery of person participating in or connected with athletic contest

§ 3-603. Sale of Minor

§ 8-301. Identity fraud

§ 9-201. Bribery of a public employee

§ 9-101. Perjury