



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 27, 2024

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: Support of SB0758 – Sexual Crimes – Definition of Consent and Repeal of Force

Dear Chairman Smith and Committee Members,

I am writing to express my strong support of **SB0758 Sexual Crimes – Definition of Consent and Repeal of Force**. As Baltimore City State's Attorney and an advocate for justice and equality I believe that this bill is a crucial step towards ensuring the protection and rights of individuals in our community, which aims to redefine consent and amend certain provisions related to sexual crimes in Maryland.

SB0758 proposes essential changes to the definition of consent and the considerations for determining the absence of consent in cases of sexual crimes. By explicitly defining consent as a clear and voluntary agreement, the bill establishes a necessary standard for sexual interactions. Moreover, the inclusion of various factors to consider when assessing consent, such as the absence of consent in cases of fear, threat, or coercion, underscores the importance of respecting individual autonomy and agency.

One of the most significant amendments proposed by this bill is the removal of the requirement for force or threat of force in cases of sexual crimes. Instead, the focus is rightly placed on the presence or absence of consent, regardless of the use of physical force. This shift in perspective acknowledges that consent cannot be coerced and reinforces the principle that sexual activity must be based on mutual agreement and respect.

Furthermore, SB0758 addresses the issue of sexual violence against vulnerable populations by expanding protections for individuals who are substantially cognitively impaired, mentally incapacitated, or physically helpless. By recognizing the vulnerability of these individuals and prohibiting sexual acts without their consent, the bill strengthens safeguards against exploitation and abuse.



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In addition to these substantive changes, SB0758 clarifies that a previous or existing relationship does not imply consent and emphasizes that consent may be withdrawn at any time. These provisions are essential for dispelling harmful misconceptions about consent and ensuring that individuals have the right to control their own bodies and sexual experiences.

The urgency of enacting SB0758 is underscored by the data provided by the Maryland State Commission on Criminal Sentencing Policy. According to their report for fiscal 2023, 76 individuals were sentenced to 111 total counts of second-degree rape in violation of § 3-304 (all provisions). These statistics highlight the prevalence of sexual violence in our state and the pressing need for legislative measures to address this issue effectively.

Overall, SB0758 represents a significant advancement in the fight against sexual violence and the promotion of consent culture in our state. By enacting this legislation, Maryland will send a clear message that sexual consent is non-negotiable and that perpetrators of sexual crimes will be held accountable for their actions.

I urge you to support SB0758 and work towards its swift passage into law. Together, we can create a safer and more just society for all Marylanders.

Sincerely,

Ivan J. Bates

Ivan J. Bates
State's Attorney for Baltimore City