



Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 391
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 391.

Senate Bill 391 – Time to Prosecute Stalking, Sextortion, Revenge Porn

This bill expands the time to prosecute stalking, sextortion, and revenge porn by eliminating the current one statute of limitations and providing that the State may institute a prosecution for sexual extortion, stalking, or revenge porn at any time

A recent article on technology and sexual offending notes that, "Conventionally, for an act of sexual violence to occur, a perpetrator and a victim needed to be in close physical proximity to one another. However, with technological advancements and technology becoming a critical underpinning in many people's lives, a new type of sexual violence has seemingly developed alongside these changes, which has made this need for proximity increasingly unnecessary." <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8287845/>

Maryland has responded to the development of on-line and technology-based sex crimes with some specific statutes. Prosecutors have also used non-technology specific statutes in new ways to address these crimes. Three statutes responding to sexual violence via technology are: Sextortion, Criminal Law §3-709; Revenge Porn, Criminal Law §3-809; and Stalking, Criminal Law §3-802. While some have non-technology based application, many of the cases involving these offenses involve pictures of victims on the Internet or traded via phones or online apps. These crimes are all misdemeanors with the standard one-year statute of limitations. One year is simply not an adequate amount of time to discover and investigate the technology used in these crimes. Computer forensics are time consuming and in short supply. Moreover, survivors and victims of many of these crimes often do not know their images are on the Internet or shared electronically for months or even years.

The effects of stalking, sextortion, and revenge porn on survivors is serious and long lasting. Once an image is on the web, it is virtually impossible to remove. Survivors live in fear that their families, co-workers, neighbors, classmates, and acquaintances will discover intimate pictures of their bodies. This can result in lifelong mental health consequences for victims, damaged relationships, and social isolation. *Revenge Pornography: Mental Health Implications and Related Legislation*, Mudasir Kamal and William J. Newman, Journal of the American Academy of Psychiatry and the Law Online September 2016, 44 (3) 359-367.

Senate Bill 391 will provide investigators and prosecutors with the tools they need to effectively use the existing law and help the survivors of sextortion, revenge porn, and stalking seek justice.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
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