



STATE'S ATTORNEY
JOHN J. MCCARTHY

State's Attorney for Montgomery County

50 Maryland Avenue
Rockville, Maryland 20850

240-777-7300
FAX 240-777-7413
WWW.MONTGOMERYCOUNTYMD.GOV/SAO

DEPUTY STATE'S ATTORNEYS
PETER A. FEENEY
RYAN S. WECHSLER

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The Honorable Will Smith
Chair, Judicial Proceedings Committee
11 Bladen Street
Annapolis, MD 21401

Dear Chair Smith and Committee Members:

I write in support of SB555—Criminal Law—Visual Surveillance With Prurient Interest—Minor Victim. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office. My division is responsible for prosecuting cases involving sexual abuse and exploitation of minors. I am a member of the Montgomery County Child Advocacy Center's Multidisciplinary Team and the Governor's Family Violence Council, as well as other teams that work to prevent sexual violence.

Section 3-902 of the Maryland Criminal Law Article prohibits individuals, without consent, from visually surveying another person in a private place. It also prohibits individuals, without consent, from visually surveying another person with a camera under circumstances where a reasonable person would believe the area would not be visible to the public.

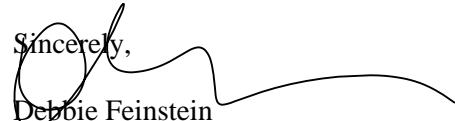
HB0288 enhances the penalty for this crime when the perpetrator surveys a minor and the perpetrator is four or more years older than the minor victim. The crime remains a misdemeanor, but the penalty will change to up to five years in jail. The current crime is a misdemeanor with a maximum penalty of one year.

My division has prosecuted many cases where the perpetrator set-up a hidden camera to view the activities of a minor victim. We have seen cases where the camera is in a bathroom, changing room, or private bedroom. When the perpetrator is a parent, family member, household member, or person with supervision over the minor, the State can charge the perpetrator with Sexual Abuse of Minor, Section 3-602 of the Criminal Law Article, under a sexual exploitation theory. Sexual Abuse of a Minor, a felony, has a maximum penalty of twenty-five years. If the perpetrator is not a parent, family member, household member, or person with supervision over the minor, the penalty goes from twenty-five years to one year.

SB555 is a fair bill that provides equity to minors who are visually surveyed and sexually exploited irrespective of the relationship between the minor and the perpetrator. The conduct is the same. The law on visual surveillance should differentiate between the exploitation of minors and adults, just as Maryland law does in so many other circumstances.

I strongly urge this Committee to issue a favorable report on SB555.

Sincerely,


Debbie Feinstein
Chief, Special Victims Division
Senior Assistant State's Attorney