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February 13, 2024

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

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

RE: House Bill 544 - Criminal Law - Sexual Extortion, Stalking, and Revenge
Porn - Statute of Limitations and In Banc Review - **Support**

The Office of the Attorney General requests the Committee to give House Bill 544 - Criminal Law - Sexual Extortion, Stalking, and Revenge Porn - Statute of Limitations and In Banc Review, sponsored by Chair Vanessa Atterbary, a favorable report. House Bill 544 allows the State to institute a prosecution for sexual extortion, stalking, or revenge porn at any time by eliminating the standard one-year statute of limitation for the majority of misdemeanors.

Under current law, unless otherwise stated, the standard statute of limitations misdemeanors is one year, meaning that the State can charge a case only within the first year of when the incident occurred (there are 26 misdemeanors that fall into this category). However, certain misdemeanors have slightly longer statutes of limitations, such as two years for theft or three years for identity fraud. By contrast, felonies have no statute of limitations and can be charged at any time. A few misdemeanors, such as perjury, are treated like felonies and have no statute of limitations.

The crimes of “sextortion” (Criminal Law Section 3-709), Stalking (Criminal Law Section 3-802), and “Revenge Porn” (Criminal Law Section 3-809) are grouped with the misdemeanors that have a one-year statute of limitations. House Bill 544 would treat the above crimes like perjury, in that they have no statute of limitations and can be charged at any time.

The one-year timeline imposed on the above crimes is difficult to comply with because there are often delays in the knowledge of the crime, fear of reporting which causes delays in reporting, and the time it takes to investigate cases with electronic devices. This bill would help victims by allowing them more time to report these crimes and would allow more stalking, sextortion, and revenge porn cases to be charged in court.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on House Bill 544.

cc: Chairwoman Vanessa Atterbeary
Committee Members