



Bill No: HB496  
Title: Criminal Law - Sexual Crimes - Definition of Consent and Repeal of Force  
Committee: Judiciary  
Hearing: February 13, 2024  
Position: SUPPORT

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The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women’s groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW’s purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **HB496 - Criminal Law - Sexual Crimes - Definition of Consent and Repeal of Force** is a priority on the [2024 MLAW Agenda](#) and we urge your support.

HB496 would require clear and voluntary agreement and could be by words or conduct (affirmative consent is not proposed). The bill also clarifies that consent may be withdrawn, and that consent may not be constituted by a prior relationship by itself, or by manner of dress. Submission as a result of fear, threat, or coercion would not constitute consent. Documentation of consent explicitly would not be required.

Sex without consent is not enough to prove rape under Maryland’s criminal law. Maryland also requires proof of “force, or the threat of force”. Proof of “force” requires that the survivor tried to stop the rape. Proof of “threat of force” requires that the survivor feared bodily harm so much that she did not try to stop the rape.

Maryland’s rape law deprives many women and others of control over their own bodies. Of all adult women residing in Maryland, 19%, or about 457,000 adult women, have experienced some form of completed or attempted rape in their lifetime. About 44%, or 1,058,000 of Maryland’s women, and more than 23% of Maryland’s men, about 520,800, have experienced other forms of sexual violence. (Bureau of Justice Statistics, Crime Victimization Survey, 1992-2015). Improving Maryland’s rape and sexual assault laws to give victim/survivors control over their own bodies will help all survivors and most survivors are women.

Maryland’s current law also contradicts what we teach students. Maryland enacted legislation to mandate consent education in 2018, including that consent means the unambiguous and voluntary agreement between all participants to engage in each physical act within the course of interpersonal relationships. Our criminal law requires more – effectively creating a duty to affirmatively refuse sex. This is effectively bait and switch – we teach our kids one thing, and the criminal law requires something else.

Finally, Maryland’s current law fails to protect victims who freeze when faced with an assault. While a case can be prosecuted if the assailant takes action that a jury can find is objectively a threat to life or serious bodily harm, if a victim freezes up without that type of threat, the law fails them. Freezing is a physiological response and can be a result of things like child sexual abuse, being a victim of crime, or experiencing war.

**For these reasons, MLAW strongly urges the passage of HB496.**

**Maryland Legislative Agenda for Women**  
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## MLAW 2024 Supporting Organizations

The following organizations have signed on in support of our 2024 Legislative Agenda:

1199 SEIU United Healthcare Workers East  
AAUW Anne Arundel County  
AAUW Garrett Branch  
AAUW Kensington-Rockville Branch  
AAUW Maryland  
Adolescent Single Parent Program (PGCPS)  
Anne Arundel County Commission for Women  
Anne Arundel County NOW  
Baltimore County Commission for Women  
Black Women for Positive Change, Baltimore Chapter  
Bound for Better, Advocates for Domestic Violence  
Bound for Better, advocates for Domestic Violence  
Business & Professional Women/Maryland  
Center for Infant & Child Loss  
Child Justice, Inc.  
Church Women United, Inc.  
Climate XChange Maryland  
Court Watch Montgomery  
CTLDomGroup Inc  
DABS Consulting, LLC  
Engage Mountain Maryland  
Frederick County Commission For Women  
If/When/How at University of Baltimore School of Law  
Lee Law, LLC  
Les Etoiles in Haiti  
Maryland Coalition Against Sexual Assault  
Maryland Legislative Coalition  
Maryland Network Against Domestic Violence  
Maryland WISE Women  
Miller Partnership Consultants  
MomsRising  
Montgomery County Alumnae Chapter, Delta Sigma Theta Sorority, Inc.  
Montgomery County NOW  
National Coalition of 100 Black Women, Inc., Anne Arundel County Chapter  
National Organization for Women, Maryland Chapter  
Rebuild, Overcome, and Rise (ROAR) Center at UMB  
REHarrington Plumbing and Heating  
Reproductive Justice Maryland  
Stella's Girls Inc  
The Federation of Jewish Women's Organizations of Maryland  
The Hackerman Foundation  
The Relentless Feminist  
The Salvation Army Catherine's Cottage  
Top Ladies of Distinction, Inc., Patuxent River  
Top Ladies of Distinction, Prince George's County  
TurnAround Inc.  
University System of Maryland Women's Forum  
Women of Action Maryland  
Women's Equity Center and Action Network (WE CAN)  
Women's Law Center of Maryland  
Zeta Phi Beta Sorority, Incorporate - Alpha Zeta Chapter  
Zonta Club of Annapolis

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