



Working to end sexual violence in Maryland

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Testimony Opposing Senate Bill 873
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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 an unfavorable report on Senate Bill 873.

Senate Bill 873 – Third Degree Assault

This bill would create the crime of 3rd assault and a definition of “offensive contact.” We very much appreciate the efforts to address concerns regarding survivors of sexual assault, domestic violence, and domestically related crimes. Nonetheless, we question the need for this particular solution to issues in the courts.

MCASA remains concerned that offensive contact can include serious and frightening behavior by people engaged in sexual harassment or other dominating behavior. While the bill does exclude an actual sexual offense or offenses in domestic situations, it could include things like:

- placing hands around another person's neck and pushing them up against the wall without causing physical harm;
- dragging a person around the floor without causing harm;
- hitting and pushing while screaming “I'm going to hurt you.”

Some of this may or may not fall under the exception for “contact that causes a risk of serious physical injury”, but the uncertainty of this illustrates one of the problems with the bill. Second degree assault as a charge is appropriately flexible and allows courts to consider a range of human factors. Additionally, it is questionable whether the bill will actually reduce litigation, since defendants will have a right to a *de novo* appeal. MCASA respectfully suggests that this bill fixes a problem that does not actually need fixing.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to report unfavorably on Senate Bill 873**