



Working to end sexual violence in Maryland

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Testimony Regarding Senate Bill 291
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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. If the Committee chooses to move forward on HB291, we urge the Judicial Proceedings Committee to amend Senate Bill 291 to clarify victim participation and to create a presumption for a victim stay away order.

Senate Bill 291

Crime Victim Participation in Proceedings Regarding Sentence Reduction

Senate Bill 291 creates a process for reduction of sentences after conviction.

MCASA appreciates the provisions of SB291 incorporating crime victim rights laws requiring notice to a victim and the very specific direction that the State's Attorney has provided crime victim notification as required by law. We note that the current Criminal Procedure §11-403 clearly provides a victim with the right to be heard at a sentencing disposition hearing and that "sentencing disposition hearing" is defined to include "alteration of a sentence" so would encompass the hearing contemplated by SB291 and that the bill further clarifies this in subsection (c)(vi).

However, it could inflict significant trauma on a rape victim to participate in person and, conversely, if a victim does not object to the reduction, it is onerous to require personal appearance. A Washington Post article, <https://www.washingtonpost.com/dc-md-va/2024/01/25/this-law-makes-her-explain-trauma-her-rape-every-few-years/>, describes in vivid detail the harm Second Look legislation can have on rape survivors. If this legislation is enacted in Maryland, it is important to provide the victim with the opportunity to comment not only on the impact of the crime, but also the impact of a potential early release.

We therefore urge the Committee to clarify language regarding victim impact statements and to require the Court to consider the statement, including previously filed statements. We note that the current language might be interpreted to require this but it might not. Therefore, we urge additional language to make the language abundantly clear and to protect a victim from cross examination.

On page 4, insert in line 9 as follows:

(3) (I) A VICTIM MAY SUBMIT A VICTIM IMPACT STATEMENT REGARDING THE IMPACT OF THE CRIME AND THE PROPOSED SENTENCE REDUCTION;

(II) THE COURT SHALL CONSIDER ANY VICTIM IMPACT STATEMENT FILED IN THE CASE AT THE TIME OF SENTENCING OR UNDER THIS SUBSECTION.

(III) A VICTIM SHALL NOT BE SUBJECT TO CROSS EXAMINATION WHEN PRESENTING A VICTIM IMPACT STATEMENT UNDER THIS SUBSECTION.

Additionally, if the Committee chooses to report favorably, we also urge support for an automatic order to stay away from the victim and victim's family as a condition of release unless the victim requests otherwise. On page 4, after subsection (f), insert:

(G) A COURT SHALL ORDER A DEFENDANT TO STAY AWAY FROM AND REFRAIN FROM CONTACT WITH A VICTIM AND VICTIM'S FAMILY IF A DEFENDANT IS RELEASED UNLESS THE VICTIM REQUESTS OTHERWISE. A COURT MAY IMPOSE ANY OTHER CONDITION OF RELEASE NECESSARY TO PROMOTE VICTIM SAFETY AND ENHANCE PEACE OF MIND.

MCASA notes in conclusion that we have grave concerns about the impact of SB291 on victims and are continuing to evaluate our position on the bill.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to Amend Senate Bill 291**