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March 4, 2025

The Honorable Luke Clippinger
Chairman, House Judiciary Committee
101 House Office Building
6 Bladen Street
Annapolis, MD 21401

Dear Chair Clippinger and Committee Members:

I write in support of HB1350—Criminal Law—Fourth Degree Sexual Offense—Out of State Convictions. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office and am co-chair of the Maryland State's Attorney Association's Special Victims Legislative Subcommittee. The MSAA subcommittee is comprised of representatives from the vast majority of State's Attorney's Offices in Maryland who prosecute special victims' cases, including fourth degree sexual offense.

Under current law, a repeat sexual offender who is charged with a violation of section 3-308 of the Maryland Criminal Law Article, is subject to a three year period of incarceration (versus one year), if the offenders prior convictions occurred in Maryland. House Bill 1350 will enhance the penalty for fourth degree sexual offense if the offender has a prior sexual offense or child sexual abuse conviction "in another state or in a federal, military, or Native American tribal court."

House Bill 1350 brings the subsequent offender penalties for fourth degree sexual offense into parity with other subsequent offender laws, including section 21-902(e) of the Maryland Traffic Code, which allows for enhanced penalties for driving under the influence or impaired by drugs or alcohol, if the offender has "a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State, would constitute a violation" of Maryland's DUI laws.

Subsequent offender laws are meant to deter individuals from committing the same crime more than one time. The current law, which allows a person to take advantage of a lesser sentence simply because their prior offense is out of state, is inconsistent with the goal of deterrence. Offenders should not be able to escape a higher sentence simply because they committed a similar offense across state lines.

I strongly urge this Committee to issue a favorable report.

Sincerely,


Debbie Feinstein
Senior Assistant State's Attorney
Montgomery County, Maryland