



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Supporting House Bill 437
Lisae C. Jordan, Executive Director & Counsel
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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 the Judiciary Committee to report favorably on House Bill 437.

House Bill 437 – Visual Surveillance with Prurient Intent – Minor Victim

This bill clarifies that visual surveillance with prurient intent is a crime when it occurs in a private residence.

This bill is prompted by the very disturbing case involving Jonathan Newell, a judge on the Circuit Court for Caroline County. A 15 year old boy discovered a camera pointed towards the shower and reported this to his parents. Law enforcement were notified and Newell ate evidence in the course of the investigation; Newell died from a self inflicted gunshot before he could be brought to justice. https://www.washingtonpost.com/local/public-safety/maryland-judge-kills-self-after-eating-evidence/2021/09/10/8834b9ba-125b-11ec-9cb6-bf9351a25799_story.html

Importantly, the Newell case highlighted a loophole in the statute: homes are not considered private places under this statute. Since that case highlighted the gap in the law, prosecutors in other jurisdictions have also faced barriers to prosecution. HB437 clarifies that the definition of "private place" includes private residences. We emphasize that prurient intent continues to be an element of this crime where ever it occurs.

The Judiciary Committee reported favorably on this language last session

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 437**