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January 30, 2026

The Honorable Will Smith
Chair, Judicial Proceedings Committee
11 Bladen Street
Annapolis, MD 21401

Dear Chair Smith and Committee Members:

The Maryland State's Attorneys' Association (MSAA) writes in support of Senate Bill 295—Civil Actions—Immunity—Disclosure of Allegations of Sexually Assaultive Behavior (Stop Silencing Survivors Act). I am the Chief of the Special Victims' Division for the Montgomery County State's Attorney's Office, and co-chair, along with Deputy State's Attorney for Frederick County Joyce King, of the Maryland State's Attorney Association's Special Victims Legislative Committee. In my capacity as the Chief of SVD, I supervise and handle prosecutions related to sexual assault and sexual child abuse.

Senate Bill 295 provides an important protection for sexual assault and sexual child abuse survivors—immunity from liability for a good faith disclosure of sexual assaultive behavior. The survivor must act without malice and may not intentionally or recklessly disclose false information. The new law would provide immunity to the survivor for disclosures to “another person”—not only when the survivor reports to law enforcement or other government agency.

I spoke to a survivor, now almost fifty years old, who had just begun to address the ongoing trauma she suffered because a male relative sexually abused her when she was a child. Before disclosing her abuse, she consulted with a lawyer regarding any possible civil ramifications that could result from her disclosure. The lawyer advised her that she, in fact, could be sued civilly. She then had to weigh whether to disclose or whether to continue to keep his sexual abuse hidden. Survivors of sexual assault and abuse should not have to weigh whether to disclose abuse or face yet another consequence of their abuser's actions.

We urge the General Assembly to protect survivors from civil liability and ask this Committee to issue a favorable report.

Sincerely,

A handwritten signature in black ink, appearing to read "Debbie Feinstein", with a long horizontal flourish extending to the right.

Debbie Feinstein
Co-Chair, MSSA Special Victims Subcommittee