

Testimony of SB230.pdf

Uploaded by: Christopher West

Position: FAV

CHRIS WEST
Legislative District 42
Baltimore and Carroll Counties

Judicial Proceedings Committee



Annapolis Office
James Senate Office Building
11 Bladen Street, Room 322
Annapolis, Maryland 21401
410-841-3648
800-492-7122 Ext. 3648
Chris.West@senate.maryland.gov

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 27, 2026

The Maryland State Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill 230 – Criminal Law – Third-Degree Sexual Offense – Burglary

Chair Smith, Vice-Chair Waldstreicher, and Members of the Judicial Proceedings Committee,

The purpose of this bill is to fix an anomaly in Maryland's criminal statutes dealing with sexual crime. There are different degrees of sexual crimes.

Rape in the second degree, is the act of rape alone. Criminal Law 3-304 Rape in the first degree is rape *plus* an aggravating factor: weapons, threats of death, suffocation, multiple assailants, and the like. Criminal Law 3-303 Another aggravating factor is burglary in the first-, second-, or third-degree.

Similarly, there are two degrees of sex offenses for crimes involving the unconsented touching of intimate areas. Fourth degree sexual offense, includes the act of touching without consent alone, Criminal Law 3-308(b)(1). Third degree sexual offense includes the same conduct *plus* an aggravating factor. Criminal Law 3-307(a)(1). Just as in the case of 1st degree rape, these aggravating factors are weapons, threat of death, suffocation, multiple assailants, and the like. However, missing from the list of aggravating factors in third degree sexual offenses is burglary in the first-, second-, or third-degree.

So, committing a sexual crime in connection with a burglary in the first-, second-, or third-degree, applies only in cases involving rape, but not to cases involving sexual contact. This omission is inexplicable. There is no obvious reason why the commission of a sex crime in connection with a burglary will elevate a rape to 1st degree rape but does not elevate an unconsented touching to a 3rd degree offense.

This bill will rectify this situation and establish in law that engaging in such behavior constitutes a sexual offense in the third-degree. The bill further alters definitions of tier I, II, and III sex offenders to apply to those who have committed these or certain acts in the third-degree.

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I appreciate the Committee's time and consideration of SB 230 and I will be happy to answer any questions the Committee may have.

Support for SB 230.pdf

Uploaded by: Joanna Mupanduki

Position: FAV



Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

☎ 877-VICTIM-1 (877-842-8461)

✉ mail@mdcrimevictims.org

🌐 mdcrimevictims.org

1001 Prince George's Blvd, Suite 750
Upper Marlboro, MD 20774
301-952-0063 (Phone)
301-952-2319 (fax)

1 North Charles Street, Suite 700
Baltimore, MD 21201
410-234-9885 (phone)

January 23, 2026

Re: Favorable to SB 230

Dear Chair Smith and Members of the Judicial Proceedings Committee,

On behalf of the Maryland Crime Victims' Resource Center (MCVRC), I urge your support for Senate Bill 230. MCVRC provides legal services for crime victims throughout Maryland and is the largest nonprofit of its kind in the country. We write on behalf of our clients who have been victims of burglary and sexual assault.

SB 230 appropriately recognizes the profound harm that occurs when sexual contact without consent is committed in connection with a first-, second-, or third-degree burglary. By reclassifying this conduct from a fourth-degree sexual offense to a third-degree sexual offense, the bill acknowledges the heightened fear, trauma, and violation experienced by victims when sexual violence is paired with the invasion of their home or other protected space.

Burglary is not merely a property crime. It is an act that shatters a person's sense of safety and security. When an individual unlawfully enters a space where a victim should feel most protected—and then commits sexual contact without consent—the resulting harm is compounded. Survivors often describe this experience as uniquely terrorizing: the loss of control, the fear of further violence, and the lasting psychological impact of knowing that their most private space was violated.

SB 230 reflects this reality by recognizing that sexual contact committed in the context of a burglary is categorically more dangerous and traumatic than the same conduct occurring absent that invasion. Elevating the offense level sends an important message that Maryland law understands the gravity of this conduct and the lifelong impact it can have on survivors.

The bill's inclusion of these offenses within the definitions of Tier I, Tier II, and Tier III sex offenders—with registration requirements increasing based on the age of the victim—is also appropriate and measured. Age-based tiering recognizes the heightened vulnerability of children and young victims and aligns registration requirements with the seriousness of the offense and the risk posed to the community.

Survivors deserve a justice system that fully acknowledges the fear they experience, the trauma they carry forward, and the lasting consequences of crimes that invade both their bodies and their homes. SB 230 moves Maryland law closer to that goal by ensuring accountability reflects the true nature of the harm inflicted.

For these reasons, we respectfully urge the Committee to issue a favorable report on Senate Bill 230.

Thank you for your time and for your continued commitment to protecting victims and strengthening public safety.

Respectfully,



Joanna D. Mupanduki, Esq.

Deputy Director

Maryland Crime Victims Resource Center, Inc.

Burglary - 3d degree SO - testimony - 2026 - MCA

Uploaded by: Lisae C Jordan

Position: FAV



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 Senate Bill 230
Lisae C. Jordan, Executive Director & Counsel
January 27, 2026

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 Judicial Proceedings Committee to report favorably on Senate Bill 230.

Senate Bill 230 – Third Degree Sex Offense – Burglary

Senate Bill 230 adds burglary in the first, second, or third degree to the list of aggravating factors in cases involving forcible sexual contact. While technical, this change is important to victims who suffer nonconsensual sexual contact in connection with these burglaries. There are a startling number of cases where people committing burglaries fondle people during the crime. This disturbing and harmful practice should be treated seriously.

Maryland's sex crimes laws use "aggravating factors" when classifying the seriousness of forcible sex crimes. Hence, rape or sexual offense in the 2nd degree becomes rape or sexual offense in the 1st degree when a perpetrator commits a non-consensual sexual act or vaginal intercourse with AND an aggravating factor. See Criminal Law Article 3-303(a)(2)(i)-(v). Similarly, sexual offense in the 4th degree becomes sexual offense in the 3rd degree when sexual contact is committed and an aggravating factor is present. See Criminal Law Article 3-307(a)(1).

Aggravating factors applicable all forcible cases include:

- (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;
- (ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;
- (iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;

(iv) commit the crime while aided and abetted by another.

Oddly, a fifth aggravating factor, **commit the crime in connection with a burglary in the first, second, or third degree**, applies only in cases involving sexual acts and vaginal intercourse, but **not** to cases involving sexual contact. Senate Bill 230 would correct this omission and make Maryland's sex crimes law respond more fairly to victims and more appropriately to sex offenders.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 230**

Written Testimony 3rd Degree Sex Offense.pdf

Uploaded by: Stacie Reed

Position: FAV



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

January 23, 2026

The Honorable William C. Smith Jr., Chairman
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: Support of SB0230 – Criminal Law – Third Degree Sex Offense - Burglary

Dear Chairman Smith and Members of the Senate Judicial Proceedings Committee,

I am writing to express my support for SB0230 – Criminal Law – Third Degree Sex Offense - Burglary. As an Assistant State's Attorney for Baltimore City currently assigned to the Special Victims Unit, I believe that this bill is necessary to assure that sex offenders are appropriately held accountable for their crimes. SB0230 will make engaging in sexual contact with a person in the course of a burglary a felony offense. This reform is essential to ensuring justice for victims, preventing further harm, and protecting public safety.

On October 20, 2022, at 03:17 hours, Baltimore Police officers responded to an apartment building on for a reported burglary. Upon arrival officers spoke with the female victim, who stated that around 3am, she was woken up by a black male in her room who was naked, holding a pair of black shorts, standing in front of her bed. She advised that this male was using his free hand to masturbate. The victim then got up and yelled at the male to leave and he walked out of her apartment to an unknown location. She did not know the identity of this person, and had never seen him before this night. He did not have permission to be in her home.

In the case resulting from this call to the police, the male was charged with sex offense in the 4th degree as well as other related offenses. Sex offense in the 4th degree is a misdemeanor, punishable by only a year in prison. Sex offense in the 4th degree is simply touching another in an intimate part of their body without consent. This crime was something much more serious, as this male invaded the victim's home, where she should have felt safe, and then exposed himself to her and masturbated in front of her, traumatizing her. We could not charge him with a felony sex crime, specifically 3rd degree sex offense, because burglary was not one of the aggravators at the time of the offense. The crime committed against this victim was a felony offense, but the law did not recognize it. This must change.



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

It is worth noting that the Baltimore Police Department would receive three additional calls to that apartment building that night, with three different woman stating that this individual had broken into their apartment. One victim reported that he was standing in her bedroom with no pants on and his penis exposed. Another found the male sitting in her closet. Still another stated that she woke to the male lying next to her in her bed without his clothes on. And the individual would be identified as the suspect in yet another burglary that occurred in the same apartment building a month prior, where the female victim woke in the middle of the night to find him lying in her bed, hugging her and trying to kiss her. The pattern of behavior exhibited by this male showed him to be a sexual predator. The law did not allow us to treat him as one.

A second degree rape in the State of Maryland becomes a first degree rape if it is committed in the course of a burglary. There is no reason why a fourth degree sex offense should not become a felony third degree sex offense if it is committed during the course of a burglary. Common sense tells us that a person masturbating in front of another on a public bus is not the same crime as someone breaking into the home of another and doing the same thing. The law should reflect that, and I ask that it be changed accordingly.

Thank you for your attention to this matter.

Yours in service,

Stacie Reed

Stacie Reed
Team Captain, Special Victims Unit
State's Attorney for Baltimore City

SB 230_ Criminal Law - Third-Degree Sexual Offens

Uploaded by: Trudy Tibbals

Position: FAV

SB 230: Criminal Law - Third-Degree Sexual Offense - Burglary:

Please VOTE TO SUPPORT this bill.

Dear Judicial Proceedings Committee Chair and Members of the Committee,

I respectfully write in **strong support of SB 230 – Criminal Law: Third-Degree Sexual Offense – Burglary.**

This bill closes a dangerous gap in current law by ensuring that individuals who commit sexual offenses in conjunction with burglary are held fully accountable. The intersection of sexual assault and unlawful entry is particularly serious because it combines **the trauma of invasion with the violation of personal safety and security.** SB 230 recognizes the severity of this behavior and strengthens protections for victims.

By explicitly classifying sexual acts committed during a burglary as third-degree sexual offenses, the bill provides **clearer legal authority for prosecution**, enhances **deterrence**, and underscores Maryland's commitment to protecting residents from predatory behavior. It also provides law enforcement and prosecutors with the necessary clarity to pursue justice efficiently and consistently.

This legislation is a critical step toward **enhancing public safety, protecting vulnerable individuals, and ensuring that perpetrators of these compounded crimes face consequences commensurate with the harm they inflict.**

For these reasons, I respectfully urge the committee to **VOTE TO SUPPORT SB 230.**

Thank you for your time and consideration.

Sincerely,
Trudy Tibbals

SB 230_HB138_ Criminal Law - Third-Degree Sexual

Uploaded by: Trudy Tibbals

Position: FAV

SB 230/HB138: Criminal Law - Third-Degree Sexual Offense - Burglary:
Please VOTE TO SUPPORT this bill.

Dear Judicial Proceedings Committee Chair and Members of the Committee,

I respectfully write in **strong support of SB 230/HB 138 – Criminal Law: Third-Degree Sexual Offense – Burglary.**

This bill closes a dangerous gap in current law by ensuring that individuals who commit sexual offenses in conjunction with burglary are held fully accountable. The intersection of sexual assault and unlawful entry is particularly serious because it combines **the trauma of invasion with the violation of personal safety and security**. SB 230 recognizes the severity of this behavior and strengthens protections for victims.

By explicitly classifying sexual acts committed during a burglary as third-degree sexual offenses, the bill provides **clearer legal authority for prosecution**, enhances **deterrence**, and underscores Maryland's commitment to protecting residents from predatory behavior. It also provides law enforcement and prosecutors with the necessary clarity to pursue justice efficiently and consistently.

This legislation is a critical step toward **enhancing public safety, protecting vulnerable individuals, and ensuring that perpetrators of these compounded crimes face consequences commensurate with the harm they inflict.**

For these reasons, I respectfully urge the committee to **VOTE IN SUPPORT OF SB0230/HB0138.**

Thank you for your time and consideration.

Sincerely,
Trudy Tibbals

SB230 FAIR UNFAV.pdf

Uploaded by: Brenda Jones

Position: UNF



PO Box 8402 Elkridge, MD 21075 ♥ 800-708-8535 ♥ info@fairregistry.org

Unfavorable Response to SB230 Criminal Law – Third-Degree Sexual Offense - Burglary

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses.

Consistent with our mission and charter, FAIR supports rational laws and policies. As such, we have no disagreement with this Bill insofar as it creates a new third-degree criminal offense for sexual contact without consent in connection with a burglary.

We Object to Laws that Propagate the Myth that Registries are Effective

We object to this bill regarding the expansion of the Maryland Registry. When the Registry was created, it was a resource available only to Law Enforcement to keep them current with information about the whereabouts of individuals who committed serious hands-on sexual offenses. That was the intent and purpose. Since that time it has grown to include and publicly display absolutely all categories of offenses. However, over 30 years of research and experience show that the public registry is not effective and does not enhance public safety.

The “fix” for sexual offending is treatment (which thankfully is currently required under existing law), not public shaming on a public Registry, which has been proven to be ineffective and actually damaging to registrants and their families.

For these reasons, FAIR asks that the committee return an unfavorable report.

Sincerely,

A handwritten signature in black ink that reads "Brenda V. Jones". The signature is fluid and cursive.

Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries

OPD Testimony Unfavorable_SB 230_Third Degree Sex

Uploaded by: Krystal Williams

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER
KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER
ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 230 – Criminal Law - Third-Degree Sexual Offense – Burglary
FROM: Maryland Office of the Public Defender
POSITION: Unfavorable
DATE: 01/27/2026 – Senate Judicial Proceedings Bill Hearing

The Maryland Office of the Public Defender respectfully requests that the Judicial Proceedings Committee issue an unfavorable report on Senate Bill 230. This bill is unnecessary, vague in key parts, and expands sex offender registration in ways that risk disproportionate collateral consequences.

SB 230 is unnecessary because the conduct it targets is already fully criminalized under existing Maryland law. Third degree sexual offense already prohibits nonconsensual sexual contact and carries a felony, punishable by up to 10 years in prison. A person convicted of a third degree sex offense is further subject to mandatory registration on Maryland's Sex Offender Registry, including lifetime registration requirements for serious offenses. First, second, and third degree burglary also imposes felony penalties for the unlawful entry of a dwelling, storehouse, or other building with the intent to commit a crime. In cases where a burglary and a sexual offense occur together, prosecutors can already charge both offenses and seek substantial penalties. SB 230 does not create new criminal behavior; it simply repackages conduct that can already be prosecuted today.

The bill's new aggravating language, making a third-degree sex offense when committed "in connection with" a burglary a special category, raises serious concerns about vagueness and overbreadth. "In connection with" is not defined in the statute. Without clear limits on how close in time, place, or intent the burglary must be to the sexual contact, this phrase could be stretched to cover situations where the sexual contact and the burglary are loosely related (e.g., same building, same day, or same dispute) rather than part of a single, preplanned home invasion type assault.

Take for instance, a dispute between two acquaintances that turns into both a questionable "unlawful entry" and disputed touching could suddenly be framed as an aggravated sex offense "in connection with" burglary. Such open-ended language invites inconsistent application across jurisdictions and gives prosecutors undue added leverage in plea negotiations, even in cases where the facts or consent are hotly contested. Aggravating factors should be precise and narrow, not broad and elastic.

SB 230 also unnecessarily expands Maryland's sex offender registration scheme without demonstrating any clear public safety benefit. The bill amends the definitions of Tier I, Tier II, and Tier III sex offenders to include the newly created burglary linked third degree sex offense

Maryland Office of the Public Defender, Government Relations Division, 45 Calvert St, Suite 108, Annapolis MD 21401
For further information please contact Elizabeth Hilliard, Elizabeth.hilliard@maryland.gov 443-507-8414.

subsection, with tier level determined primarily by the victim's age. That means individuals who are already subject to criminal punishment and strict supervision for third degree sexual offense and burglary would now face years or even a lifetime on the sex offender registry solely because the conduct is deemed "in connection with" a burglary. Yet there is no evidence that this particular combination of offenses, as opposed to existing third degree sexual offenses, is uniquely predictive of future risk or requires separate supervision or treatment. We do know, however, that sex offender registries not only fail to promote public safety, but also come at an extreme cost to the community, to individual registrants, and to their families.¹ Documented collateral harms include housing instability, unemployment, and barriers to family reunification; these conditions can actually increase, not decrease, recidivism risk.

Additionally, Maryland's current tiered registration framework already captures truly serious sexual offenses and allows for higher scrutiny where there is force, threats of death or serious physical injury, weapons, multiple offenders, or very young victims. SB 230 effectively treats a property-based offense, burglary, as equivalent to those inherently violent aggravators, even though burglary can encompass a wide variety of circumstances and does not necessarily involve direct violence against a person. As a result, two people who commit essentially the same unlawful sexual contact could face drastically different lifelong consequences: one may not be required to register, while another is labeled a Tier I, II, or III offender simply because of a loosely defined connection to a burglary charge.

This raises serious proportionality and fairness concerns. The bill explicitly applies prospectively as of October 1, 2026, meaning that individuals who engaged in similar conduct before that date will not face the same registration requirements. Permanent collateral consequences and lifelong public labeling should not hinge on a loosely defined link to another offense when courts already can impose lengthy prison terms and strict supervision.

Finally, SB 230 diverts scarce resources toward unnecessary statutory enhancements instead of proven prevention and support strategies. Any expansion of registrable offenses requires new training, system changes, and ongoing monitoring and enforcement. Those resources would be better directed toward survivor services, trauma-informed investigation and prosecution, and evidence-based treatment and supervision programs that have a demonstrated impact on reducing recidivism. Without data showing that this enhancement will prevent future crimes or improve outcomes for survivors, the bill risks more harm in application and resulting collateral consequences than improving public safety.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB 230.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

¹ See e.g., Levenson, J. S., & Tewksbury, R. (2009). Collateral Damage: Family Members of Registered Sex Offenders. *American Journal of Criminal Justice*, 34(1-2), 54-68. <https://doi.org/10.1007/s12103-008-9055-x>.
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