



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 501
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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 501.

House Bill 501

Persons in Authority – Closing a Gap in Sex Crimes Laws to Protect Children

This bill helps close a gap in Maryland's sex crimes laws prohibiting persons in authority from sexually molesting children, particularly children under 13.

Maryland's sex crimes laws are extremely complicated, with many provisions created in response to particular cases and issues the presented. As a result, there are gaps in the law that allow some sex offenders to evade appropriate punishment. Once again, a tragedy has prompted examination of laws and revealed gaps. The very difficult and troubling case in Severna Park regarding a teacher charged with multiple counts of touching at least 8 elementary school children led to this legislation.

Included with this testimony is a chart showing the current laws and punishments. The goals of this bill are these:

Maryland law needs a stronger punishment when a Person in Authority sexually assaults a child under 13 and the offense is committed when the child is not under the offender's care and custody or supervision at the exact moment of the assault.

Sexual Solicitation of a Minor, §3-324, should include attempts by Persons in Authority to sexually solicit the children they have authority over.

Persons in Authority who are convicted and then offend against a minor again should face more serious punishments.

This bill also has a technical goal: it moves the law regarding persons in authority out of §3-308 and into its own section, §3-308.1. This is to reduce confusion in the field and make the law slightly more comprehensible to laypersons. It is important to know, however, that this is a word-for-word transfer of current law and the only new provisions are below.

The proposed changes are:

- **Adding penalty of up to 15 years for Persons in Authority who have any sort of sexual touching or sexual act or intercourse with a child under 13**
- **Increasing penalties for subsequent offenders to 25 years**
- **Adding the persons in authority section to the current sexual solicitation of a minor statute, §3-324, so solicitation of sexual contact by a person in authority is clearly prohibited**

MCASA notes that the General Assembly created a crimes classification task force two sessions ago to address the gaps in the statutes and other issues, but this task force has not been implemented (SB379, 2024). MCASA supports a thorough review of the sex crimes statutes. The need for this extensive review, however, should not delay the State's efforts to protect children and close gaps in existing law.

Maryland should have serious and appropriate punishments available when children under 13 are sexually assaulted by Persons in Authority.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 501**

HB501 – Persons in Authority – Filling a Gap in Sex Crimes Laws to Protect Children

Criminal Law	Prohibits	Gap	Penalties
Age based – Sexual Contact (fondling) §3-307	Touching children under specified age if there is a four-year age difference	Does not provide for additional penalties if perpetrator is a person in authority	Up to 10 years
Sexual Abuse of a Minor, §3-602	Sex with minors by people with care & custody or supervision of the child or family or household members	Does not apply if the child is not in care & custody or under the supervision of the offender at the moment of the offense	Up to 25 years
Current Person in Authority law, §3-308	Designed to address the gap in the sexual abuse of a minor law, this applies to people in authority even when the child is not in care & custody or under supervision of the offender	Very low penalties even for very young children	Up to 1 year – first offense Up to 3 years – subsequent offense
HB501/SB407	<p>No substantive changes to who is covered by the statute.</p> <p>Moves statute to its own section (easier to understand)</p> <p>Creates 15 year penalty if child is under 13 and 25 year penalty for subsequent offenders.</p> <p>Adds Persons in Authority to Sexual Solicitation of a Minor law.</p>	<p>Closes a gap by allowing for appropriately higher penalties in cases involving fondling of children under 13</p> <p>Adds solicitation of a minor by persons in authority to prohibited acts in §3-324, Sexual solicitation of a minor</p> <p>Moves Person in Authority law to its own section, reducing confusion and making the law slightly more comprehensive to laypersons</p>	<p>Adds penalty of up to 15 years for Persons in Authority who have any sort of sexual touching or act or intercourse with a child under 13</p> <p>Increases penalties for subsequent offenders to 25 years</p>