



Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 735 Lisae C. Jordan, Executive Director & Counsel February 20, 2020

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 735.

Senate Bill 735 – Repeal of statutes on Sodomy and “Unnatural and Perverted Sexual Practice”

This bill repeals the outdated laws prohibiting “sodomy” and “unnatural and perverted sexual practice”. Sodomy, Criminal Law §3-321, is a felony subject to imprisonment for up to 10 years; the statute makes no distinction between acts of consenting adults and otherwise. Criminal Law §3-322, so called “unnatural and perverted sexual practice,” prohibits a person from (1) taking the sexual organ of another or of an animal in a person's mouth; (2) placing the person's sexual organ in the mouth of another or of an animal; or (3) committing another unnatural or perverted sexual practice with another or with an animal. This misdemeanor is subject to imprisonment for up to 10 years and a fine of up to \$1,000. Both laws are outdated and contain offensive provisions which should be rescinded.

Animals. Last session, the General Assembly enacted provisions prohibiting sexual abuse of animals by amending the law on aggravated cruelty to animals, §10-606. This improved Maryland's public policy by permitting courts to order offenders away from animals, prohibiting offenders from having pets, and imposing other conditions to protect animals. The changes to §10-606 eliminates the need for the provisions related to animals in §3-322.

People. Provisions prohibiting “sodomy” and other sexual practices had historically been used against the GBLTQ+ community and, as such, are offensive reminders of what we hope is a bygone era. State and federal case law has largely invalidated these laws as applied to consenting adults. Maryland's somewhat antiquated sex crimes laws meant the provisions were still occasionally useful when force was difficult to prove, typically cases involving coercion or power imbalances. In recent sessions, Maryland has passed laws making it clear that physical resistance is not necessary to prove force, §3-319.1, and expanding prohibited sexual activity to include a wide variety of coercive activities, §3-709. The offensive and disrespectful nature of §§3-321 and 3-322 now far outweigh any utility they may have had.

Amendments. Amendments in the House and in the Senate bill as introduced ensure that any cases other than those involving consenting adults will not be vacated and will continue to be on the sex offender registry.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 735**