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Maryland House Judiciary Committee  
Luke H. Clippinger, *Chair*  
House Office Building, Room 101  
6 Bladen St., Annapolis, MD 21401 Re: House Bill 1116

Dear Chairman Clippinger:

I, like almost every prosecutor of child abuse and sexual assault cases, am able to write about numerous cases where I have prosecuted a sexual offender who had previously been convicted of a sexual offense. One particular case that stays with me is a man who had been convicted of sexually abusing his young neighbor in Ohio. When his probation expired he moved to the Eastern Shore where he sexually abused another minor. He remained on the Eastern Shore until his probation expired, and then he moved to the county where I worked and sexually abused two more minor children who were living next door. One of the girls was 15 and one of the girls was 11. This offender knew how to play the game, and fly under the radar of law enforcement. His case is not unusual. A study published in the Office of Justice Programs OJJDP Bulletin found that 70% of child sexual offenders have one to nine victims and 20% child sexual offenders have ten to forty victims.

The Bureau of Justice Statistics have found that released sexual offenders were 4 times more likely to be rearrested for a sex crime than any other group of offenders. However, the percentage for reoffending drops when an individual is on supervision. For example, 79% of violent offenders reoffend within 6 years without supervision compared to 43% of offenders reoffending within 5 years when they are on community supervision. This is what we are trying to change. We want to reduce the number of sexual offenders who reoffend, and we want to reduce the number of victims of sexual assault. The statistics bear out that violent offenders are less likely to reoffend when they are supervised.

Our current laws fail to protect some of our most vulnerable victims. Under Criminal Procedure Section 11-723, as it currently reads, Lifetime Sexual Offender Supervision is only available in cases of Sexual Abuse of a Minor if the victim is 12 or younger. What we know based on several studies is that one in four girls and one in six boys will be sexually abused before they turn 18 years old. We also know that statistically two out of every three children who are sexually abused are between the ages of 12-17. Yet we are excluding this largest group of child victims from enhanced protections.

In addition, although the Legislature determined in 2017 that there was to be no legal difference between Second Degree Rape and Second Degree Sexual Assault, Criminal Procedure Section 11-723 still categorizes them differently. As the statute reads now Lifetime Sexual Offender Supervision is available for any second degree rape, but is only available for two categories of Second Degree Sexual Assault. This is clearly not what this legislative body



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intended in 2017. Anal penetration, fellatio and cunnilingus should all be treated the same, and provided the same protections as vaginal penetration.

With regard to the fiscal note, I would like to highlight a few facts: The average lifetime cost of rape per victim is \$122,461.00 (American Journal of Preventative Medicine); Annually rape costs the United States of America more than any other crime, approximately \$127 billion, followed next by assault at \$93 billion (U.S. Department of Justice); Women who were sexually abuse as children health care costs are 16% higher than women who were not abused as children. These are the fiscal notes we should care the most about. These are the fiscal numbers we can reduce with increased supervision.

The law should treat all minor victims equally and all victims of second degree sexual assaults the same and I urge your support for this bill.

/S/

Kathryn A. Marsh  
Assistant Chief Special Victims  
& Family Violence