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To: Members of The House Judiciary Committee and Senate Judicial Proceedings Committee

From: Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

Date: January 19, 2021

Subject: **HB411 and SB43 – Criminal Law – Law Enforcement Officers – Prohibition on Sexual Activity**

Position: **Support**

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports HB411 and SB43 – Criminal Law – Law Enforcement Officers – Prohibition on Sexual Activity.**

This bill extends the ban on sexual acts, sexual contact or intercourse by a law enforcement officer during the course of an investigation that the officer is conducting, supervising, or assisting with, who is a victim, witness, suspect, requestor of assistance or an individual responding to the law enforcement officer during the course of the officer's official duties.

This is an extension of the current law, which applies to law enforcement officers, including correctional officials and employees, prohibiting sexual conduct with someone in the custody of the officer.

There is an exception for individuals with whom the officer had a prior legal relationship with.

This is a useful extension of the law.

For the reasons stated, we **Support HB411 and SB43 – Criminal Law – Law Enforcement Officers – Prohibition on Sexual Activity.**

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at doyleniemann@verizon.net.

Should you have other questions, please contact The MSBA's Legislative Office at (410)-269-6464 / (410)-685-7878 ext: 3066 or at Richard@MSBA.org.