

Jeffrey A. Harrison

Bill Number: **SB 43 / HB 411**

Date: January 19, 2021

Bill Title: Criminal Law - Law Enforcement Officers
- Prohibition on Sexual Activity

Committee: Judicial Proceedings

Position: **Support / Favorable**

Sponsors: Senators Elfreth and Hettleman

Dear Committee Chair Smith, Committee Vice-Chair Waldstreicher, and Committee Members:

I strongly support SB 43.

SB 43 clarifies current legal ambiguities and protects vulnerable human beings in Maryland.

These vulnerable human beings are our family members, friends, and neighbors: incarcerated individuals; institutionalized individuals; individuals interfacing with law-enforcement officers; individuals dependent on life-sustaining service providers; and minors.

With few exceptions, a vulnerable person is unable to give their consent to sexual activity in situations where there is a large difference in power between the vulnerable individual and someone in authority, such as a corrections officer, a law-enforcement officer, or various kinds of service providers for adults and minors.

Without consent, sexual activity between a person in authority and a vulnerable person is sexual assault, a crime.

A search of news media reveals that sexual activity between vulnerable individuals and people in authority is disturbingly prevalent. Injustice often occurs because of ambiguities in existing laws or because prosecutors, judges, and juries interpret existing laws in favor of those in authority, without regard for the vulnerable. Because vulnerable people are rarely heard, many more cases do not reach the news media.

SB 43 will reduce the number of times a vulnerable human being in Maryland will be involved in sexual activity with corrections officers, law-enforcement officers, service providers, and other authorities. Vulnerable individuals will suffer less trauma as a result. In addition, less institutional corruption will result.

For the public, for the vulnerable, for those with a duty to intervene and report, for those in authority, and for prosecutors and other stakeholders in the criminal-justice system in Maryland, SB 43 clarifies any confusion there may be in the existing state law.

For those reasons, please **support SB 43** and report it as **Favorable** from the committee.

Thank you.

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