



THE PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

BILL: Senate Bill 43 - Criminal Law - Law Enforcement Officers - Prohibition on Sexual Activity

SPONSOR: Senator Elfreth, *et al.*

HEARING DATE: January 21, 2021

COMMITTEE: Judicial Proceedings

CONTACT: Intergovernmental Affairs Office, 301-780-8411

POSITION: SUPPORT

The Office of the Prince George's County Executive **SUPPORTS Senate Bill 43 - Criminal Law - Law Enforcement Officers - Prohibition on Sexual Activity** which expands the list of individuals a law enforcement officer is prohibited from engaging in sexual activity. The list includes a victim, witness, or suspect during an investigation the officer is conducting and a person requesting help from or responding to the officer in the course of their official duties. These additional prohibitions do not apply if the officer had a prior existing legal sexual relationship with the individual, unless an interim, temporary, or final protective order between the parties is in effect at the time of the sexual contact, vaginal intercourse, or sexual act.

Under current state law, law enforcement officers are prohibited from engaging in sexual activity with individuals in their custody.¹ Law enforcement have significant power over those in their custody, so it is imperative to put into place restrictions to guard against officers who would abuse that power to sexual exploit those over which they have power. It is not just those in custody that police have power over though; there is also a significant power imbalance between police and those calling for help and the victims, witnesses, and suspects that they interact with, during the course of their duties. It is prudent to apply consistent restrictions on police to prevent the sexual exploitation of those they have power over.

For these reasons, the Office of the Prince George's County Executive **SUPPORTS Senate Bill 43** and asks for a **FAVORABLE** report.

¹ Chapter 500 of 2018