



Working to end sexual violence in Maryland

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Testimony Opposing House Bill 1001
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's sixteen 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 in the State of Maryland. We urge the Judiciary Committee to report unfavorably on House Bill 1001.

HB1001- Sex Offender Registration for Indecent Exposure – An Overly Broad Proposal

HB1001 would define "indecent exposure" and would require defendants convicted of indecent exposure to register as sex offenders. Indecent exposure is currently a common law crime, described by the Court of Appeals as follows: "... indecent exposure [means] the defendant intentionally exposed his penis or other body part that should not be exhibited in a public place. Indecent exposure, to amount to a crime, must have been done intentionally. Intent may be inferred from the conduct of the accused and the circumstances and the environment of the occurrence." *Wisneski v. State*, 398 Md. 578 (2007)

MCASA appreciates that the intent of these provisions is to respond to indecent exposure as a "gateway" crime and to target those who find sexual gratification from exposing themselves. As drafted, however, the bill would also capture people who make poor judgments but are not sex offenders. For instance, some college students participate in flashing, streaking, "girls gone wild" activities, and revealing behavior at campus parties. Sex workers may also be charged under the proposed provisions, yet they do not pose the same threats to the community as sex offenders. Requiring registration for these activities would divert needed resources away from true sex offenders and unjustly label the defendants involved.

**The Maryland Coalition Against Sexual Assault urges
the Judiciary Committee to report unfavorably on House Bill 1001**