



J. CHARLES SMITH, III
STATE'S ATTORNEY

KIRSTEN N. BROWN
DEPUTY STATE'S ATTORNEY

STATE'S ATTORNEY'S OFFICE

County Courthouse
100 West Patrick Street
Frederick, Maryland 21701

www.statesattorney.us

CIRCUIT COURT DIVISION
301-600-1523

DISTRICT COURT DIVISION
301-600-2573

CHILD SUPPORT DIVISION
301-600-1538

JUVENILE DIVISION
301-600-2980

DATE: January 29, 2021

BILL NUMBER: HB 531

POSITION: Favorable

The Frederick County State's Attorney's Office supports HB 531.

HB 531 allows for someone who has been convicted of a violation of Criminal 3-602, Sexual Abuse of a Minor, regardless of the victim's age, to be subject to lifetime sexual offender supervision.

HB 531 recognizes that sexual abuse of a child is a predatory offense, and that the predatory nature of the crime is not altered merely by the age of the child. As it stands, currently, a defendant who is convicted of sexually abusing an 11 year old, or younger, would be subject to lifetime sexual offender supervision. However, a defendant who is convicted of sexually abusing a 12 year old, or older, would not be.

Sexual abuse of a minor requires that there be some type of supervisory relationship between the offender and the victim. That supervisory role is abused and taken advantage of, which is what makes the crime even more egregious than a strictly age based sexual offense. That abuse of authority is what makes these offenders particularly dangerous, and it is why they need to be subject to lifetime sexual offender supervision. Whether their victim is under 12, or 12 and over, does not change the threat they pose to society. In fact, an offender who is able to groom and abuse an older child, who is oftentimes more aware of the inappropriateness of the behavior, and who oftentimes has more opportunity to report it, is arguably even more of a threat, as their grooming skills must be particularly well honed. They are arguably even *more* predatory, by nature. If there even is a distinction to be made between an offender who abuses a younger child verses an older child, over which they have a supervisory position, it would seem that it is the offender of the older child who is in even more need of lifetime sexual offender supervision. There is certainly no reason why they would be less in need of lifetime sexual offender supervision.

For these reasons, the Frederick County State's Attorney's Office requests a favorable report on HB 531.

Tammy M. Leache
Chief, Family Felony Violence Unit