

JACK BAILEY
Legislative District 29
Calvert and St. Mary's Counties

Judicial Proceedings Committee



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 402
Annapolis, Maryland 21401
410-841-3673 · 301-858-3673
800-492-7122 Ext. 3673
Jack.Bailey@senate.state.md.us

District Office
Dorsey Professional Park
23680 Three Notch Road, Unit 101
Hollywood, Maryland 20636
240-309-4238

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Senate Bill 268 – Sexual Abuse of a Minor – Crime of Violence and Lifetime Supervision

Dear Chairman Clippinger and Members of the Committee,

I am writing to introduce Senate Bill 268 – Sexual Abuse of a Minor – Crime of Violence and Lifetime Supervision. This bill resolves an inconsistency in current Maryland law and ensures that more offenders who commit sexual abuse of a minor are subject to existing penalties and supervision to decrease the risk of recidivism.

Under current law, an offender who commits sexual abuse of a minor in violation of §3-602 of the Criminal Law Article against a minor under the age of 13 is considered to have committed a crime of violence under certain circumstances, while an offender who violates §3-602 against a minor under the age of 12 is subject to lifetime supervision. This inconsistency means that a person who commits this crime against a victim who is 12 years old has committed a crime of violence but is not subject to lifetime supervision. This bill makes these provisions consistent by requiring lifetime supervision for offenders who violate §3-602 against a minor under the age of 13.

The other provisions of the bill address instances of §3-602 where the victim is 13, 14, or 15 years old. These victims deserve the same protections as those who are under the age of 13, and I have worked to expand the scope of these laws to address these cases. However, during the legislative process, there were concerns raised about having the enhanced penalties and monitoring apply to younger adults who engage in this activity with older minors. In response to these concerns, the expansion of the crime of violence statute and lifetime supervision to cases where the victim is between the ages of 13 and 15 will only apply to offenders who are 21 or older. This bill makes no other changes to the circumstances already in law for when a violation of §3-602 is considered to be a crime of violence.

Senate Bill 268 is narrowly targeted to protect Marylanders from a relatively small but significant number of offenders who have committed these very serious crimes. I thank this Committee for your attention to these issues throughout this Session and particularly the work that you have already done on improving the lifetime supervision statute.

This bill is prospective and does not apply to any conviction before the bill's effective date. Senate Bill 268 passed the Senate 46-0. I respectfully request a favorable report on Senate Bill 268. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bailey".

Senator Jack Bailey