



**BILL NO:** Senate Bill 43  
**TITLE:** Criminal Law - Law Enforcement Officers - Prohibition on Sexual Activity  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** January 21, 2021  
**POSITION:** **SUPPORT**

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The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 43.**

Senate Bill 43 expands on existing law that prohibits sexual contact between a law enforcement officer and a person in custody to include in that prohibition a victim, witness, or suspect. This prohibition is limited to the time of the investigation and provides exception for law enforcement that was already engaged in a “legal sexual relationship” with an individual who subsequently became a victim, witness, or suspect so long as there is not a protective order in effect at the time of the sexual act in question. In any situation, a police officer, likely uniformed and armed, empowered with the authority to arrest wields an extraordinary amount of power and control over others. There cannot be true consent to sexual contact during a police investigation due to the imbalanced power and control that police have over victims, witnesses, and suspects.

Survivors of domestic violence frequently do not report the violence they suffer to the police. It is one of the most underreported crimes. A 2015 study conducted by the National Domestic Violence Hotline found that 80% of the survivors of domestic violence surveyed who had never called the police before indicated that they were “somewhat or extremely afraid to call them in the future.”<sup>1</sup> Of the survivors surveyed that had called the police because of the domestic violence, 1 out of 4 said that they would not call again.<sup>2</sup> In order to begin to end the trauma and violence suffered by survivors of domestic violence, they must feel trust and confidence in the police when calling for help, and unfortunately that trust and confidence does not currently exist. SB 43 is an important step towards achieving that goal.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 43.**

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<sup>1</sup> National Domestic Violence Hotline, Who Will Help Me? Domestic Violence Survivors Speak Out About Law Enforcement Responses. Washington, DC (2015). <http://www.thehotline.org/resources/law-enforcement-responses>

<sup>2</sup> *Id.*