

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure the budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and well-being.

House Bill # 223: Criminal Law – Persons in a Position of Authority - Sexual Offenses With a Minor

January 21, 2022

The Coalition to Protect Maryland's Children (CPMC) is a consortium of Maryland organizations and individuals formed in 1996 to promote meaningful child welfare reform. CPMC **supports** passage of **House Bill # 223: Criminal Law – Persons in a Position of Authority - Sexual Offenses With a Minor**.

There should not be any dispute that all parents want their children to be safe and free from sexual abuse or exploitation. Whether they are sending their child to school, recreational sports, music lessons, tutoring, scouting, camp, or a youth group, there is a reasonable expectation that the adult teacher, instructor, counselor or leader (a person in a position of authority) will not sexually abuse, assault or exploit their child either during that instruction or mentoring, or outside of those activities.

Several criminal statutes currently protect children. A law specifically addressing conduct by a “person in authority” is contained in §3-308, defined as a person at least 21 years old; employed by or under contract with a public or private preschool, elementary school, or secondary school; and who because of the person's position or occupation, exercises supervision over a minor who attends the school. Section 3-308 goes on to specify that this includes a principal, vice principal, teacher, coach, or school counselor at a public or private preschool, elementary school, or secondary school. Additional protections are provided by statutory rape laws, which prohibit sex with minors based on age for consent (14 for sexual contact, e.g., fondling; 16 for penetration or oral sex).

Unfortunately, there is currently no criminal penalty under Maryland law when instructors, coaches, counselors, teachers or other leaders outside of the school setting engage in sexual activities with their teenage students, campers, or players outside of formal activities. Because these persons in positions of authority are not employed by schools, there is no prohibition against sexual activities during times that they do not have a supervisory role over the teenager. SB49 would close this loophole by expanding the list of persons in positions of authority to childcare providers, tutors, teachers, coaches, counselors, who are not employed by or under contract with a public or private school. SB49 makes clear that it is unacceptable and criminal for a private violin teacher, a church youth group leader, a scout master, or a private travel team coach to engage in any sexual activities with teens that they are teaching or mentoring whether that supervisory activity is ongoing or has happened in the past.

For that reason we urge a *favorable* committee report on **House Bill # 223: Criminal Law – Persons in a Position of Authority - Sexual Offenses With a Minor**