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January 31, 2023

The Honorable William C. Smith, Jr.
Chairperson, Senate Judicial Proceedings Committee
11 Bladen Street
Annapolis, MD 21401

Dear Chairperson Smith and Members of the Judicial Proceedings Committee:

I write in support of SB57, Sexual Offenses—Crime of Violence and Lifetime Supervision. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office. I also serve on the Montgomery County Child Advocacy Center's Multidisciplinary Team, a group that reviews cases involving child abuse and neglect.

The crime of Sexual Abuse of a Minor, set forth in section 3-602 of the Criminal Law Article, criminalizes sexual molestation or exploitation of a minor by a parent, household member, family member, or any other person who has permanent or temporary care or responsibility for the supervision of a minor. Sexual molestation or exploitation includes rape and other sexual offenses. Currently, the crime of Sexual Abuse of a Minor only constitutes a crime of violence under section 14-101 of the Criminal Law Article if the victim is under the age of thirteen. HB164 will make Sexual Abuse of a Minor a crime of violence when the offender is at least twenty-one years of age, and the victim is under the age of sixteen.

Last year, a Montgomery County middle school teacher was sentenced to jail time for sexually abusing two fourteen year old students. This defendant is eligible for parole after serving a quarter of his time. Had SB57 been law, the defendant would have first been eligible for parole after serving half of his time. A tangible and significant difference.

Fourteen and fifteen year old minors who are sexually abused should receive the same protection as other victims of serious crime, and perpetrators should be subjected to the same enhancements and penalties as other violent offenders. Categorizing sexual abuse of a minor as a crime of violence for victims under the age of sixteen sends a strong message to our community about the seriousness of this offense and serves as a deterrent to would-be offenders.

Maryland law should delineate Sexual Abuse of a Minor as a crime of violence for victims under the age of sixteen where the offender is over the age of twenty-one. I urge a favorable report on SB57.

Sincerely,

Debbie Feinstein
Chief, Special Victims Division
Senior Assistant State's Attorney