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January 24, 2024

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

Dear Chair Smith and Members of the Judicial Proceedings Committee:

On behalf of the Maryland State's Attorney's Association, and the Montgomery County State's Attorney's Office, I write in support of SB0130—Criminal Law—Indecent Exposure in the Presence of a Minor. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office and a member of the Montgomery County's Child Advocacy Center's Multidisciplinary Team and Sexual Assault Response Team. I also chair Choose Respect Montgomery, an initiative aimed at reducing teen dating violence and sexual assault. Lastly, I co-chair the Maryland State's Attorneys Association's Special Victims Legislative Subcommittee.

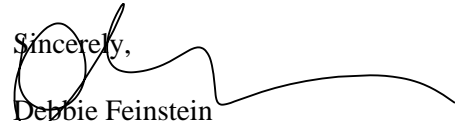
My office has prosecuted numerous cases where adults intentionally expose their genitals to children. In one case, the offender exposed his genitals to a teenager in her home. He repeatedly asked her questions that were sexual in nature while standing in close proximity and shaking his penis at her. In another case, the offender intentionally exposed himself to children at a community pool. And in yet another case, the offender exposed himself to a child in the laundry room in an apartment building. That offender had a history of indecently exposing himself to children.

Senate Bill 0130 provides an appropriate sentencing range for indecent exposure in the presence of a minor. Instead of a three year maximum penalty, the offender faces a five year maximum penalty where they knew or should have known that a minor was present and where the minor is at least two years old and is more than four years younger than the offender. The statute, as it pertains to minors, includes an intent requirement: the offender must have prurient intent when committing indecent exposure. This element protects the offender where the exposure is incidental or accidental.

Because children are among the most vulnerable in our society, Maryland law penalizes adults who commit violent crimes in the presence of a minor. Specifically, in 2014, the legislature enacted Criminal Law 3-601.1, which provides for an additional ten year penalty if the offender commits a crime of violence in the presence of a minor. Like SB0130, the child must be at least two years of age. Because indecent exposure is not a crime of violence, this statute does not apply.

The law similarly should provide a higher penalty for offenders who intentionally, and with prurient intent, expose themselves to children. I urge a favorable report on SB0130.

Sincerely,


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