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## Working to end sexual violence in Maryland

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### **2019 Legislative Priorities & Bills of Interest**

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes all of the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence in the State of Maryland.

*The Maryland Coalition Against Sexual Assault (MCASA) supports legislation that promotes justice for survivors of sexual violence, accountability for offenders, and protection for the general public. MCASA responds to policy questions and legislative initiatives throughout Maryland's legislative session (January-April).*

#### **Top Priorities**

##### **Preventing HIV for Rape Survivors - Access to HIV Prophylaxis – SB657/HB1249**

Maryland currently pays for medical expenses of sexual assault survivors related to the assault, but refuses reimbursement for HIV prophylaxis beyond the first packet of medication. Even starter packs are provided only to some survivors, leaving others with no access to treatment. This is in violation of current medical guidelines and creates significant barriers for survivors of rape who want to try to prevent HIV. This bill will clarify that n-PEP must be provided to rape survivors when medically appropriate. Lead Sponsors: Chair Nancy King and Delegate Kirill Reznick

##### **Marital Exemption for Sex Crimes – HB958**

Maryland allows marriage to be a defense to some sex crimes. It is time to remove this archaic law from the books. Lead sponsors: Delegate Charlotte Crutchfield.



### **Harassment – Access to Remedies for All – HB679/SB872**

The Maryland General Assembly's Workplace Harassment Commission issued its report and recommended further discussion of statutory changes to increase access to legal remedies for victims of harassment. MCASA is particularly concerned that the General Assembly craft solutions that help all women, including low income women and women of color who often lack meaningful access to justice.

### **Rape Kits**

#### **SAFE Exams – Reimbursement and Confidentiality – HB1248/SB933**

This bill prevents the government from requiring that hospitals share graphic, private details of sexual assault in order to be reimbursed, and ensures that reimbursement policies are based on current science. Lead sponsors: Delegate Sandy Bartlett and Senator Jeff Waldstreicher.

#### **SAFE Exams – Testing – SB767/HB1096**

This bill requires testing of rape kits and establishes standards for when testing is not required. Lead sponsors: Delegate Shelly Hettleman and Senators Will Smith.

#### **SAFE Exams – Funding for Testing – SB569/HB1268**

This bill mandates funding needed to test rape kits. Lead sponsors: Delegate Shelly Hettleman and Sarah Elfreth.

### **Sex Trafficking**

#### **Human Sex Trafficking – Vacating Convictions – HB782/SB691**

Current law permits a survivor of human sex trafficking to vacate a conviction for prostitution when the underlying activity was caused by trafficking. This fails to include many other crimes that are related to trafficking, such as loitering, indecent exposure, and drug possession. This re-introduced bill will expand the types of crimes that a human trafficking survivor can seek to vacate. Lead sponsors: Senator Susan Lee and Delegate Vanessa Atterbeary.

#### **Human Sex Trafficking – Statutory Modernization – HB871/SB690**

This bill modernizes Maryland's Human Sex Trafficking statute and makes technical changes. Lead sponsors: Senator Susan Lee and Delegate Jesse Pippy.



### **Minor Victims of Sex Trafficking – Prosecution & Services – SB688/HB827**

**Support with Amendments** – This bill would prohibit prosecution of minors for prostitution and provide services for minor victims of sex trafficking. Only two minors were prosecuted for prostitution last year and the vast majority of minor sex trafficking survivors who are prosecuted face other charges, such as drug possession or trespass. This bill should be amended to prohibit prosecution for these other types of low level offenses. Additionally, further oversight over services is needed to ensure that services for survivors empowers the youth served and includes expert providers. Lead Sponsors: Delegate Brooke Lierman and Senator Susan Lee.

### **Child Sexual Abuse**

#### **Continuing Course of Conduct – Child Sexual Abuse – SB129/HB712**

This bill makes a technical correction to the continuing course of conduct statute and would allow the state to file more than one charge against a perpetrator who had committed three or more sexual offenses against a child over multiple 90 day periods. It responds to the *Bey* case decision of the Court of Appeals. Lead sponsors: Senator Susan Lee and Delegate Charlotte Crutchfield.

#### **Child Pornography – HB1027/SB736**

A bill to expand Maryland’s definition of child pornography to include sexually graphic images of children and conform state criminal law to federal criminal law. Lead sponsors: Senator Susan Lee and Delegate Lesley Lopez.

#### **Child Advocacy Centers – Funding and Standards – HB1007/SB739**

**Support with Amendments** – A bill to require additional funding for child advocacy centers, one stop shops which help with child sexual abuse investigations and minimize re-traumatization of victims. Amendments are needed to require CACs for all children and to ensure that the needs of rural, suburban, and urban CACs are considered when standards are developed. Lead sponsors: Delegate Emily Shetty and Senator Susan Lee.

#### **Child Sexual Abuse – Statute of Limitations - HB687**

This bill permits civil lawsuits for sexual abuse of a minor at any time, eliminating the statute of limitations. Lead sponsor: Delegate CT Wilson.



## **Other**

### **Certification of Victim Helpfulness – U Visas – SB144/HB214**

Requiring public officials to respond to requests for a certification of helpfulness within 90 days. Certifications of helpfulness are used in U Visa applications, which are available to persons in the US without status who are victims of violent crime and assist with prosecution. Survivors of rape, incest, human trafficking, and other sex crimes are among those eligible. Lead Sponsors: Senator Malcolm Augustine and Delegate Joseline Pena-Melnyk.

**Protective Orders – Removing Time Limit for POs based on Sexual Assault – HB122/SB209.** This bill will remove the current one year time limit on filing for a protective order based on sexual offenses against someone who is not an intimate partner and clarify applicability of the protective order statute. Lead Sponsors: Delegate Kathleen Dumais and Senator Susan Lee.

### **Name Changes for Minors – HB83 – Support with Amendment**

This bill permits changing a child's name without publication if both parents agree. MCASA respectfully requests an amendment to permit changes without publication if it is in the best interests of the child. MCASA's Sexual Assault Legal Institute has handled several cases where a child's name is changed because a parent is convicted of sex crimes or has abused the child. Lead sponsor: Delegate Steve Lafferty.

**Join MCASA to support this important legislation and learn more about how you can help end sexual violence in Maryland**  
**Visit [mcasa.org](http://mcasa.org) and sign up for Legislative E-lets**