

Working to end sexual violence in Maryland

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2025 Legislative Priorities & Bills of Interest - Final Report

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes all of the State's certified 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). This year, the General Assembly faced the extraordinary twin challenges of a substantial state budget deficit and the uncertainty generated by changes at the federal level. MCASA was in Annapolis to ensure that the voices of survivors were heard.

Funding. Chief among MCASA's responsibilities is to ensure that sexual assault survivors and the programs that help them have critical resources. We are so very grateful to the General Assembly for rejecting proposed cuts and continuing support for rape survivors and the people and programs who help them. Programs have seen an increase in demand. Workforce changes have drastically increased the cost of providing services. Then, as session began, MCASA was shocked and disappointed that the proposed budget would have made permanent cuts to the Victim Services Stabilization Act (VOCA), reducing funding for rape crisis centers and others who help victims of crime. Additionally, the proposed budget would have raided the Rape Kit Testing Fund even though Maryland still has a backlog of untested kits. The Legislature stood strong on the side of rape survivors and rejected both of the proposed funding cuts and also continued an allocation specifically for rape crisis programs.

We are especially grateful to **Chair Ben Barnes**, House Appropriations, **Chair Guy Guzzone**, Senate Budget & Tax, and **Chair Vanessa Atterbeary**, House Ways & Means, for their leadership and genuine commitment to helping survivors. Subcommittee chairs

Delegate Jazz Lewis and **Senator Michael Jackson** were thoughtful and supportive as the stories of victims of child sexual abuse, trafficking, and rape were presented. The **Women's Caucus** and its members were effective advocates, reminding everyone that money is policy and that ending sexual violence is a policy Maryland should prioritize. Thank you to all of the legislators who helped support survivors and the funding that they need. You are appreciated and illustrate the reality that voting matters.

Justice. As always, many of the bills addressing justice for survivors were heard by the House Judiciary and Senate Judicial Proceedings Committees. Chair Will Smith, Senate Judicial Proceedings Committee, deserves special thanks for his efforts to pass a bill to allow judges to decide whether an audio recording can be admitted in evidence even if all of those recorded did not consent. While this bill ran out of time on sine die, the narrow approach the Senate passed creates a path forward for the future. In the House, Vice Chair Sandy Bartlett led important efforts to support efforts to end the backlog of sexual assault evidence kits, improve access to care for survivors, and respond to retaliatory lawsuits. Chair Luke Clippinger continued to ensure that laws affecting survivors were heard and that their needs are taken seriously.

Prevention. Chair Vanessa Atterbeary continues to be a strong leader in efforts to help survivors of sexual assault, providing leadership and assistance in large and small ways throughout session. This session, after several years of advocacy, her bill to ensure that students have access to a strong health curriculum passed. This will include education vital to sexual assault prevention and healthy relationships. **Delegate Kris Fair** helped in this effort and continues to be a strong ally. With continued prevention funding in jeopardy, it is all the more important to have this effective state leadership.

Coalition is part of MCASA's name and central to our identity. MCASA is grateful to everyone who worked to improve public policy for sexual assault survivors. Joyce King, Chief Counsel for the Frederick County State's Attorney Office, and Debbie **Feinstein**, Chief of the Special Victims Division for the Montgomery County State's Attorney Office, led the Maryland State's Attorneys' Association SVU committee to help improve criminal justice for survivors. Longtime ally and colleague, Steven Kroll, is a consummate professional as he advocates for the MSAA. Steve is retiring this year and will be missed. MCASA wishes him all good things and thanks him for the many years of working together. Vice Chair Sandy Bartlett, Senator Shelly Hettleman, Delegate Charlotte Crutchfield, Delegate Liz Embry and Delegate Karen Simpson continued to be exemplary leaders and allies in efforts to support sexual assault survivors, and were joined in their efforts this year by new **Senator Sara Love**. The Maryland Hospital Association and Jane Krienke were crucial to efforts to expand access to rape kits. The Maryland Association of Nonprofit Organizations and Henry Bogdan helped make grant administration better. We extend thanks to Laure Ruth at our sister coalition, the Maryland Network Against Domestic Violence; Catherine Kelly from the Maryland State Police; the Maryland Legislative Agenda for Women (MLAW); Sarah David, Deputy State Prosecutor; and the Attorney General's Office under the leadership of **Anthony Brown** - they all helped amplify survivor voices. MCASA could not make progress for survivors of sexual violence without the help of these amazing colleagues. Thank you.

Finally, please know that all of your calls, emails, texts, testimony and advocacy make a difference. Laws to help survivors of sexual violence would not pass if you did not participate in the process and tell lawmakers that this issue matters to you.

A full summary of our legislative work is below. Please reach out with questions, suggestions for next session, and to show support for survivors of sexual violence, info@mcasa.org. With concerns about federal funding looming, your support and donations have never been needed more.

Stay strong and thank you for your advocacy,

Lisae

Lisae C Jordan Executive Director & Counsel Maryland Coalition Against Sexual Assault

MCASA 2025 Top Priorities

Rape Crisis Center Funding - PROTECTED (Budget & BRFA)

Chief among MCASA's responsibilities is to ensure that sexual assault survivors and the programs that help them have critical resources. As session began, MCASA was shocked and disappointed that the proposed budget and BRFA would have made *permanent* cuts to the Victim Services Stabilization Act (VOCA), reducing funding for rape crisis centers and others who help victims of crime. Additionally, the proposed budget would have raided the Rape Kit Testing Fund even though Maryland still has a backlog of untested kits. The Legislature stood strong on the side of rape survivors and rejected both of the proposals to cut funding and also continued an allocation specifically for rape crisis programs. We are especially grateful to Chair Ben Barnes, House Appropriations, Chair Guy Guzzone, Senate Budget & Tax, and Chair Vanessa Atterbeary, House Ways & Means, for their leadership and genuine commitment to helping survivors.

Health Curricula - HB161 - PASSED

This bill was introduced in one form and passed with a different approach to meet the same goal. It will help ensure that local school districts include age-appropriate discussions of a range of topics as part of school health curricula, including family life and human sexuality; gender identity and sexual orientation; safety and violence prevention; and safe and appropriate social media and internet use. Learning about these important topics can be a lifeline for students facing abuse or risk of abuse. Lead sponsor: Chair Vanessa Atterbeary.

Revenge Porn and Deep Fakes - Criminal and Civil - SB360 - PASSED

There were four bills addressing the issue of revenge porn and deep fakes this session. (HB663, HB803, HB1248 and SB360). Fortunately, the legislature took time to amend one

of the bills and create an effective prohibition to distribution of deep fake sexual images. SB360 amends the criminal law and permits prosecution for distribution of these images whether they are actual images, computer-generated images, or a combination of the two. Importantly, it also clarifies that a survivor has a civil cause of action and that a prevailing plaintiff may be awarded attorneys fees. This bill passed at 11:30pm on *sine die*. Special thanks to Chair Vanessa Atterbeary and Chair Will Smith for helping ensure this important bill was enacted. Lead sponsor: Senator Katie Fry Hester.

Rape Kits - SAKI & TeleSAFE Funding - <u>HB675/SB669</u> - PASSED

A bill to ensure the Sexual Assault Kit Initiative (SAKI) receives continued support until the Maryland rape kit backlog is cleared. This bill would amend the Rape Kit Testing Fund to fund existing investigative and victim notification ONLY if the state does not continue to receive federal funding. This will ensure that Maryland fulfills its promise to survivors to not only test the rape kit backlog, but also investigate cases, consider prosecution, and support survivors. TeleSAFE projects will also be eligible for funding from the fund. Sponsors: Senator Shelly Hettleman and Vice Chair Sandy Bartlett.

Stop Silencing Survivors – Litigation Abuse – HB629/SB549 – No votes in Judiciary or Iudicial Proceedings Committee

Sexual assault continues to be one of the most under-reported and under-prosecuted crimes in America. In Maryland and across the country, abusers are using retaliatory lawsuits to silence those who speak out about sexual violence. Survivors are being subjected to expensive, retraumatizing, and drawn-out litigation and some are discouraged from ever speaking out. This was the first session for a bill to help balance access to justice by providing additional protection from litigation for survivors who disclose sexual assault in good faith, while preserving the right to sue for intentional or reckless disclosure of false information or malicious allegations of assault. We expect the bill to be reintroduced next session. Lead Sponsors: Senator Sara Love and Vice Chair Sandy Bartlett.

MCASA Priorities & Bills of Interest by Subject Matter:

Family & POs

Permanent Protection Orders - Consent - SB721/HB929 - PASSED

A bill to permit the Court to issue a permanent protective order when the respondent consents. Lead Sponsors: Senator Shaneka Henson and Delegate Karen Simpson.

Peace Orders and Harassment – Visual Surveillance – SB92/HB236 – **PASSED.** This bill amends the criminal harassment law to include intentional visual surveillance of person's residence (including yards, etc) where there is a reasonable expectation of privacy and amends the peace order statute to permit the court to order repositioning of devices used for surveillance. Lead sponsors: Senator Paul Corderman and Delegate William Valentine.

Military Peace and Protective Orders - HB533/SB273 - PASSED

Enhancing communication between civilian and military authorities by authorizing a judge to consider whether a military protection order has been issued against a respondent when determining whether to grant a temporary peace order or a temporary protective order. Also requiring law enforcement with probable cause that an individual may have violated a military protection order (MPO) to notify authorities which issued the MPO. Lead sponsors: Delegate Charlotte Crutchfield and Senator Michael Jackson.

Custody Decisions - SB548/HB1191 - PASSED

A bill to codify factors to be considered when making a decision regarding custody of a child, including protections for survivors of abuse. This bill is grounded in the work of a Commission on Child Custody Decision Making that issued its report over 10 years ago. It is long overdue and will be a significant help to litigants and the courts. Lead sponsors: Senator Mary-Dulaney James and Delegate Susan McComas.

Presumption of Joint Custody – SB521 – OPPOSED – Did not pass

A bill changing the standard used in child custody cases from Best Interests of the Child and imposing a presumption of joint custody. This bill would endanger survivors of abuse – both adults and children. Lead Sponsor: Senator Nick Charles.

Child Support - Waiver by Agreement - SB660 - OPPOSED - Did not pass

A bill to permit the court to waive child support if the parents agree. This would allow abusers to manipulate victims and protective parents into waiving support and leave children without need financial resources. Lead Sponsor: Senator Justin Ready.

Guns & POs - SB943/HB1050 - No votes

This bill attempted to improve the process for surrendering firearms during the protective order process, but included a number of drafting choices that will be re-examined over interim. Lead sponsors: Senator Shelly Hettleman and Vice Chair Sandy Bartlett.

Civil

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Stop Silencing Survivors – Litigation Abuse – HB629/SB549 – No votes in Judiciary or Judicial Proceedings Committee

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Child Victims Act – Revisions to Damages Caps & Attorneys Fees – HB1378 – PASSED The Child Victims Act was passed in 2023 and eliminated the statute of limitations for tort cases involving child sexual abuse. The 2023 law imposed caps on all liability for suits against government (\$890K) and against private entities (\$1.5m). Revisions were enacted after it became clear that there were thousands of claims against the State and billions of dollars in liability. MCASA recognizes the need to ensure the state is solvent and has the ability to continue to help *all* survivors, however, we have grave concerns about the decision to limit each person's claim regardless of the number of assailants, severity and frequency of abuse, or harm. HB1328 also reduced caps for the previously barred claims to \$700K in private cases and \$400K in cases against government. Attorneys' fees were reduced to 20% for settled cases and 25% for cases that go to trial in all CVA cases (this is already the limit for cases against the State). Lead sponsor: Chair CT Wilson.

Education

Health Curricula - HB161 - PASSED

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Public Schools - Sexually Explicit Materials

Prohibited in Libraries and Media Centers - HB282 - OPPOSED - Did not pass

This bill is an unnecessary and overly broad restriction on books and other media and would deprive young people of support and information. The Ways & Means Committee voted to report unfavorable on this bill. Lead sponsor: Delegate Nino Mangione.

Crimes

Revenge Porn and Deep Fakes - Criminal and Civil - SB360 - PASSED

There were four bills addressing the issue of revenge porn and deep fakes this session. (HB663, HB803, HB1248 and SB360). Fortunately, the legislature took time to amend one

of the bills and create an effective prohibition to distribution of deep fake sexual images. SB360 amends the criminal law and permits prosecution for distribution of these images whether they are actual images, computer-generated images, or a combination of the two. Importantly, it also clarifies that a survivor has a civil cause of action and that a prevailing plaintiff may be awarded attorneys' fees. This bill passed at 11:30pm on *sine die.* Special thanks to Chair Vanessa Atterbeary and Chair Will Smith for helping ensure this important bill was enacted. Lead sponsor: Senator Katie Fry Hester.

Visual Surveillance with Prurient Intent - HB437/SB348 - PASSED

A bill making it clear that the prohibition against visual surveillance with prurient intent applies in private residences and increasing the penalty for visual surveillance with prurient intent of a minor. Delegate Charlotte Crutchfield and Senator Sara Love.

Harassment – Visual Surveillance – SB92/HB236 – PASSED. This bill amends the criminal harassment law to include intentional visual surveillance of person's residence (including yards, etc) where there is a reasonable expectation of privacy and amends the peace order statute to permit the court to order repositioning of devices used for surveillance. Lead sponsors: Senator Paul Corderman and Delegate William Valentine.

Transmission of HIV - HB39/SB356 - PASSED

This bill repeals the law prohibiting knowing transmission of HIV. An advice letter from the Attorney General's Office opines that intentional transmission can already be prosecuted under reckless endangerment. The separate law regarding HIV is seen as having negative public health consequences and rooted in discrimination against the LGBTQ+ community. Lead sponsors: Delegate Kris Fair and Chair Will Smith.

Images of Child Sexual Abuse (Child Pornography) – Children Under 13 – HB364/SB545 - Favorable in Senate Judicial Proceedings, No vote in House Judiciary Committee. Increasing penalties for production or possession of images of child sexual abuse (child pornography) of a child under, or indistinguishable from a child under, 13 years old; this bill also addresses charging rules for multiple images. Lead sponsors: Senator Mary-Dulaney James and Delegate Karen Simpson.

Cyberflashing - HB670 - No vote in House Judiciary Committee

A bill to prevent non-consensual sharing of obscene materials. Lead sponsor: Delegate Lesley Lopez.

Criminal Procedure

Marital Communications - HB241/SB142 - PASSED

Clarifying that "spouse" includes a former spouse for purposes of disclosure of confidential communications occurring during marriage; and establishing that a spouse, who is the alleged victim, is competent to disclose a confidential communication between spouses occurring during their marriage in a criminal action in which one spouse is charged with a

crime against the other spouse. Lead sponsors: Delegate Karen Simpson and Senator Charles Sydnor.

Animals - SB152/HB89 - PASSED

A bill to treat abused animals as separate victims (including in cases involving sexual abuse). Lead sponsors: Senator Chris West and Delegate Liz Embry.

Child Abuse Victim Testimony via Closed Circuit Video – SB274/HB293 – PASSEDAmending current law regarding a child abuse victim's testimony via closed circuit video to be more responsive to the needs of children and maintain fair procedures. Lead sponsors: Senator Sara Love and Delegates Jesse Pippy & Karen Simpson.

Commercial DNA - HB301 - PASSED

Clarifying that it is not necessary to exhaust all investigative leads prior to seeking an order to search a commercial DNA database. Lead sponsor: Delegate David Moon.

Images of Child Sexual Abuse (Child Pornography) – Language and Artificial Intelligence Software – HB5 - Favorable in Senate Judicial Proceedings, No vote in House Judiciary Committee

A bill clarifying that images created by artificial intelligence are included in the definition of "computer generated image" in the child pornography law and changing references to "child pornography" to "Child Sexual Abuse Materials". This bill ran out of time on *sine die*. Lead sponsor: Chair CT Wilson.

Interception of Communications – HB314/SB1007 – Favorable in Senate Judicial Proceedings, No vote in House Judiciary Committee

Allowing an exception to the prohibition against making an audio recording of another person without their consent. There have been cases where rape survivors have recorded the crime and the recording was both inadmissible and the survivor is exposed to felony charges for violating the wiretap law. The current law is a barrier to justice and deprives courts of crucial evidence. The Senate Judicial Proceedings Committee amended the bill to limit the exception to criminal proceedings involving crimes against an individual, an approach that would have helped in many cases. Unfortunately, the bill ran out of time on sine die. Lead sponsors: Delegate Robin Grammer & Vice Chair Sandy Bartlett and Chair Will Smith.

Interception of Communications - Penalties - SB38/HB130 - Favorable in House Judiciary Committee , No vote in Senate Judicial Proceedings

Reducing the penalty for violating the "all party consent" to audio recording law from a felony to a misdemeanor. The House Judiciary Committee added a longer statute of limitations of 5 years in an attempt to overcome concerns raised by the Senate, but the bill was not voted on there. (HB706 proposed the same change and also expands the statute of limitation and restitution.) Lead sponsors: Delegate Karen Simpson and Senator Chris West.

Hearsay Exception - Assault in the Second Degree - HB281/SB146 - Favorable in House Judiciary Committee , No vote in Senate Judicial Proceedings

Expanding a hearsay exception to when defendant in a second degree assault case has engaged in, directed, or conspired to commit wrongdoing (for instance, by making threats against another person). This is especially important in domestic violence cases. Lead sponsors: Delegate Liz Embry and Senator Mary-Dulany James.

Out of State Offenses – 4th Degree Sex Offense - Favorable in House Judiciary Committee , No vote in Senate Judicial Proceedings

This bill would require that out-of-state convictions be considered in the subsequent offender provisions of the 4^{th} degree sex offense law. Lead sponsor: Delegate Lauren Arikan.

Sexual Assault Survivor Privacy in Criminal Proceedings - HB613 - No votes

A bill to protect the identity of survivors in criminal proceedings. This bill was not voted after the courts raised drafting concerns. MCASA expects the bill will be back next session. Lead sponsor: Delegate Michele Guyton.

Warrantless Arrest - SB739 - No votes

A bill to expand law enforcement's ability to make a warrantless arrest in intimate partner violence cases. Amendments supported by MCASA would have expanded this to include battery against persons eligible for relief under the protective order statute. Lead sponsor: Senator Bill Folden.

Women's Pre-Release Center – HB1198/SB632 – Senate Bill passed Senate, House Bill passed House, then both died in Judicial Proceedings and Judiciary Committees Requiring the Executive Branch to move forward with a Pre-Release Center for Women who have been incarcerated. 86 percent of women who have spent time in jail report that they had been sexually assaulted at some point in their lives. Lead sponsors: Delegate Charlotte Crutchfield and Senator Mary Washington.

Second Look Act - <u>HB853/SB291</u> - PASSED with Victim Rights Amendments

This bill establishes a process for inmates who have been incarcerated for at least 20 years and committed their crime when they were between 18 and 25 to have their sentence reviewed. The process is not available to people who are sex offenders, sentenced to life without parole, or murdered a first responders. In addition to excluding sex offenders, amendments also added protections for victims' rights, including an automatic order to stay-away from victims and their family unless the victim requests otherwise. Lead sponsors: Delegate Cheryl Pasteur and Senator Charles Syndor.

Parole Reform – HB1147 - Favorable in House Judiciary Committee , No vote in Senate Judicial Proceedings

This bill would have reformed the parole system. While MCASA originally had serious concerns about the bill, the sponsor and the Judiciary Committee made several helpful amendments to ensure crime victim rights were protected and to reduce the burden on

survivors. We very much appreciate the sponsor's willingness to consider our concerns and address these issues. Lead sponsor: Delegate Elizabeth Embry.

Commissioners and Arrest Warrants - SB567/HB21 - Opposed - Did not pass

This bill would have eliminated the ability of a commissioner to issue an arrest warrant. This would have endangered victims of intimate partner violence in particular. The criminal law subcommittee of the House Judiciary Committee adopted helpful amendments which would have addressed most of MCASA's concerns. Lead sponsors: Delegate Jackie Addison and Senator Charles Sydnor.

Trafficking, Immigration

Human Trafficking Awareness, Training & Response (See Someone, Save Someone) – HB1/SB7 – PASSED

Requiring the Department of Transportation to develop and implement a training program for transportation–sector employees on the identification and reporting of suspected child exploitation and human trafficking victims. This bill just made it, passing at 11:40pm on *sine die.* Lead sponsors: Delegate Eric Ebersole and Senator Michael Jackson.

U-Visas - Improved Administration - SB608/HB579 - PASSED

U-visa help sexual assault survivors and other victims of crime. This bill is technical with several survivor-centers improvements in the process. These include expanding the people who can apply for a U visa certification, increasing timelines, and clarifying procedures. Lead sponsors: Delegate Liz Embry and Senator Malcolm Augustine.

Health Care, Rape Kits

Rape Kits - SAKI & TeleSAFE Funding - <u>HB675/SB669</u> - PASSED

A bill to ensure the Sexual Assault Kit Initiative (SAKI) receives continued support until the Maryland rape kit backlog is cleared. This bill would amend the Rape Kit Testing Fund to fund existing investigative and victim notification ONLY if the state does not continue to receive federal funding. This will ensure that Maryland fulfills its promise to survivors to not only test the rape kit backlog, but also investigate cases, consider prosecution, and support survivors. TeleSAFE projects will also be eligible for funding from the fund. sponsors: Senator Shelly Hettleman and Vice Chair Sandy Bartlett.

Abortion Care Grant Fund - HB930/SB848 - PASSED

Established the Public Health Abortion Grant Program to provide grants to improve access to abortion care clinical services for individuals in Maryland. Lead Sponsors: Delegate Lesley Lopez and Chair Guy Guzzone.

Veterans Benefits - HB699/SB491 - PASSED

As introduced, this bill would have helped ensure that veterans who disclosed an experience of sexual trauma are not wrongfully deprived of benefits. Amendments substituted references to the CFR for more specific language, however, the intent is continue to protect survivors. Lead sponsors: Senator Dawn Gile and Delegate Nick Allen.

Healing Our Scars Act - HB381/SB508 - No votes

Requiring coverage for aesthetic services and restorative care for the treatment of physical injuries caused by domestic violence. MCASA supported with bill with amendments to include survivors of sexual violence and child abuse. Lead sponsors: Senator Shaneka Henson and Delegate Ashanti Martinez

Budget, Grants, and Grant Administration

Rape Crisis Center Funding - PROTECTED (Budget & BRFA)

Chief among MCASA's responsibilities is to ensure that sexual assault survivors and the programs that help them have critical resources. As session began, MCASA was shocked and disappointed that the proposed budget and BRFA would have made *permanent* cuts to the Victim Services Stablization Act (VOCA), reducing funding for rape crisis centers and others who help victims of crime. Additionally, the proposed budget would have raided the Rape Kit Testing Fund even though Maryland still has a backlog of untested kits. The Legislature stood strong on the side of rape survivors and rejected both of the proposals to cut funding and also continued an allocation specifically for rape crisis programs. We are especially grateful to Chair Ben Barnes, House Appropriations, Chair Guy Guzzone, Senate Budget & Tax, and Chair Vanessa Atterbeary, House Ways & Means, for their leadership and genuine commitment to helping survivors.

Reimbursement of Indirect Costs on Grants - SB127/HB300 - PASSED

Requiring the State bring the indirect costs rate for grant awards to 15% (currently the same as used for federal grants. This simplifies grant administration and permits more funds to be used for services instead of red tape. Lead sponsor: Senator Cheryl Kagan and Delegate Ken Kerr.

Maryland Legal Services Corporation – Access to Counsel – <u>SB154/HB103</u> – PASSED Extend MLSC's Access to Counsel in Evictions (ACE) program for one additional year through 2028 and moving oversight of the current Access to Evictions Taskforce to the Department of Housing and Community Development. This supports both legal services and housing – both crucial for sexual assault survivors. Lead sponsors: Senators Shelly Hettleman & Guy Guzzone and Delegate Sandy Rosenberg.

Your donations make MCASA's public policy advocacy possible Visit mcasa.org and help end sexual violence

