

# OFFICE OF THE STATE'S ATTORNEY FOR WORCESTER COUNTY

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I have been a felony child and sex abuse prosecutor for most of my career, and I support HB 246/SB 231. Currently, to be guilty of Solicitation of a Minor, the suspect must solicit the minor herself, a law enforcement officer posing as a minor, or an agent of the minor. In the circumstance where a suspect solicits a parent or guardian for sexual access to a minor, we must shoehorn the crime into other statutes or use the agency theory. This bill would close that loophole and permit us to charge and successfully prosecute solicitation cases where a parent is solicited for contact with his or her child.

During my career, I struggled with charging a case with those facts. The mother of a five-year old child reached out to us after a male acquaintance solicited her for sexual contact with her child.

Mom met the man through a meet-up app and had a casual sexual relationship with him. As they messaged each other, she mentioned that she had a young child. The man began expressing his fantasy to have her child participate in their future sexual encounters. He indicated he was sexually attracted to children and that he was not interested in having a "normal" sexual relationship with mom. He began sending mom money electronically, tempting her financially to further his interest in having sex with her child.

At first, the man indicated that he just wanted the child to watch while mom performed sexual acts on him. The child could learn, he said, by watching mom, and he would gradually groom that child to participate. He laid out in graphic detail the acts he wanted the child to perform on him, all with the eventual goal of full sexual intercourse with the child.

Fortunately, mom did the right thing and reported the man to the police. And fortunately, she did so without ever giving him access to her five-year old. The child was forensically interviewed and did not disclose any abuse. Mom provided the police with her phone and her login information for both the meet-up and the messaging apps. While the positive aspect was that we did not have a completed

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sexual assault, we also knew that there was a man out there waiting to find a parent willing to give him access to a child. We had plenty of evidence for a crime that was not specifically laid out in the law.

The difficulty in charging this behavior is that the statutes we have at our disposal are not directly on point. We considered attempt and conspiracy, but because mom never intended to comply with the man's requests, they were not applicable. We were left with statutes relating to prostitution, which do not carry any significant penalty, and solicitation of a minor only if we could show that mom, as the child's mother, was acting as an agent of that child.

This statute would address situations like this one—situations where we know that there is an adult chatting with a parent with the hope of gaining access to children. We know there are people who fantasize about having sex with children. We know that these men are likely to meet women with children on these apps. We know that we can use these apps to track down who these men are and see the messages they send. We also know that we can use this information to charge people like this before they find a parent willing to let them use a child in this way.

What we do not have is a clear-cut statute prohibiting this type of behavior. Solicitation is one of the few times where we can actually prevent a more serious crime from occurring rather than wait and punish a completed sexual assault on a child. HB 246/SB231 can help us be proactive and protect children from abuse before it happens. I urge you to support this bill. Thank you.

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