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April 4, 2025

The Hon. William C. Smith, Jr.
Maryland Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: House Bill 1378

Chairman Smith:

Please accept this letter as my written testimony **against** House Bill 1378. While there are several aspects of HB 1378 that should raise alarms within this body, I write to highlight the amendments to the Child Victims Act of 2023 (the “CVA”) that would reduce the cap on non-economic damages a survivor of childhood sexual abuse may recover in a claim against a private institution.

Out of recognition that it takes decades for survivors of childhood sexual abuse to be able to confront their trauma and take the necessary steps to exercise their civil rights, Maryland enacted the CVA in 2023, which eliminates the statute of limitations applicable to such claims. I am proud to be counsel of record in *Roman Cath. Archbishop of Wash. v. Doe* where the Supreme Court of Maryland preserved the constitutionality of the CVA. My clients and I, moreover, were grateful for the *amicus* brief that you and several other lawmakers, including Del. Wilson and Del. Clippinger, submitted in the Supreme Court of Maryland in support of the CVA.

Given the State’s current financial position, there is no question that lawmakers must now make difficult policy decisions impacting the State’s budget. But there is no budget-driven rationale – or any other rationale – that justifies lowering the cap on non-economic damages available to survivors in their claims against *private* actors and institutions. Maryland’s budget will not be impacted whatsoever by lowering this damages cap. Notably, no private institutions have requested an adjustment to this cap. The proposed adjustment is unnecessary and unfair. It is simply an attempt to secure better optics for HB 1378: the State is substantially eliminating its own exposure, so perhaps private institutions should get the same deal.

They should not.

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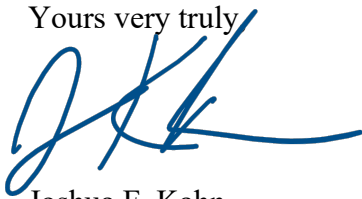
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Maryland's sexual abuse survivors deserve fair and equitable compensation for the horrific acts committed against them when they were children. The General Assembly appropriately determined, in 2023, the adequate levels of compensation. There is no legitimate reason to disturb the reasoned, equitable, and fair system of compensation that this body approved only two years ago.

For this and numerous other reasons, I respectfully urge that the Committee reject HB 1378.

Yours very truly

A handwritten signature in blue ink, appearing to be 'JK' followed by a long horizontal stroke.

Joshua F. Kahn