

Unfavorable Response to SB1052

Criminal Procedure – Registered Sex Offenders – Entry Onto School Property

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We have serious reservations about SB1052, as it would run afoul of existing legal and constitutional standards and might create an unnecessary barrier to a child's educational and emotional development.

At present, Crim Procedure §11-722 restricts registered persons from entering primary and secondary school property and child care facilities. Exceptions are made for registrants who are students, or are parents of students who have received permission (renewed-yearly) from the Superintendent of Schools, the local school board, the school principal, or the owner or operator of the child care facility. These registrants must identify themselves upon arrival. Registrants are also exempted in order to vote.

The system we have in place presently allows for a case-by-case review of each child's unique circumstances. For every schoolchild with behavioral, emotional, or educational challenges, the school sets up an individualized education plan, then monitors the situation and makes adjustments throughout the year to assure the success of the student and the safety of other students in the school, should that be an issue. Where necessary, the student can be removed to a separate school with additional resources, or removed entirely should the circumstances warrant.

Offering a separate educational option for a registered child harkens back to *Plessy vs. Ferguson's* decision. **Separate but equal is inherently NOT equal.** With its "separate but equal" language, this bill would force these kids to utilize alternative schooling options. The current process allows for an appeal by the student or parents, and can continue to be adjusted to be more or less restrictive as the school system deems necessary. But with this law change, there would be **no due process** option.

Remember also that a child could still be registered well after their supervision is done. To force that child out of school under those circumstances by immediately applying this law would be **retroactive punishment** and successfully challenged in court.

ALL known studies will tell you that (1) all children, including teens, benefit from being part of a supportive community, and (2) they generally respond very well to treatment when there are behavioral and social adjustments to be made. **Forcibly isolating a child from his or her peers when there has been no further misbehavior is exactly the WRONG thing to do to assure that child's success as an adult.**

There are times when a child must be removed for that child's safety or the safety of others. In the situation that inspired this bill, the teen should have been removed, or

moved to an alternative schooling option, and that did not happen. Still in spite of occasional unfortunate errors, **Maryland's existing law and practice is quite adequate** to manage the children who are on our registry, if the law and practice is followed correctly. It allows for responsible, individualized decisions regarding each child and teen's attendance at a primary or secondary school. For this reason, we urge an unfavorable response to SB1052.

Sincerely,

A handwritten signature in cursive script that reads "Brenda V. Jones". The signature is fluid and includes a long, sweeping horizontal flourish at the end.

Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries
Cell: 301-318-8964