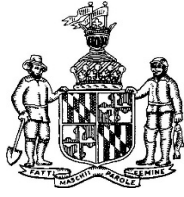


# **Feinstein Letter of Support SB57.pdf**

Uploaded by: Debbie Feinstein

Position: FAV



STATE'S ATTORNEY  
JOHN J. MCCARTHY

## State's Attorney for Montgomery County

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DEPUTY STATE'S ATTORNEYS  
PETER A. FEENEY  
RYAN S. WECHSLER

January 31, 2023

The Honorable William C. Smith, Jr.  
Chairperson, Senate Judicial Proceedings Committee  
11 Bladen Street  
Annapolis, MD 21401

Dear Chairperson Smith and Members of the Judicial Proceedings Committee:

I write in support of SB57, Sexual Offenses—Crime of Violence and Lifetime Supervision. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office. I also serve on the Montgomery County Child Advocacy Center's Multidisciplinary Team, a group that reviews cases involving child abuse and neglect.

The crime of Sexual Abuse of a Minor, set forth in section 3-602 of the Criminal Law Article, criminalizes sexual molestation or exploitation of a minor by a parent, household member, family member, or any other person who has permanent or temporary care or responsibility for the supervision of a minor. Sexual molestation or exploitation includes rape and other sexual offenses. Currently, the crime of Sexual Abuse of a Minor only constitutes a crime of violence under section 14-101 of the Criminal Law Article if the victim is under the age of thirteen. HB164 will make Sexual Abuse of a Minor a crime of violence when the offender is at least twenty-one years of age, and the victim is under the age of sixteen.

Last year, a Montgomery County middle school teacher was sentenced to jail time for sexually abusing two fourteen year old students. This defendant is eligible for parole after serving a quarter of his time. Had SB57 been law, the defendant would have first been eligible for parole after serving half of his time. A tangible and significant difference.

Fourteen and fifteen year old minors who are sexually abused should receive the same protection as other victims of serious crime, and perpetrators should be subjected to the same enhancements and penalties as other violent offenders. Categorizing sexual abuse of a minor as a crime of violence for victims under the age of sixteen sends a strong message to our community about the seriousness of this offense and serves as a deterrent to would-be offenders.

Maryland law should delineate Sexual Abuse of a Minor as a crime of violence for victims under the age of sixteen where the offender is over the age of twenty-one. I urge a favorable report on SB57.

Sincerely,

Debbie Feinstein  
Chief, Special Victims Division  
Senior Assistant State's Attorney

**SenatorBailey\_SB57\_FAV.pdf**

Uploaded by: Jack Bailey

Position: FAV

JACK BAILEY  
Legislative District 29  
Calvert and St. Mary's Counties

Budget & Taxation Committee



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

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District Office  
Dorsey Professional Park  
23680 Three Notch Road, Unit 101  
Hollywood, Maryland 20636  
240-309-4238

February 1, 2023

**Senate Bill 57 – Sexual Offenses – Crime of Violence and Lifetime Supervision**

Dear Chairman Smith and Members of the Committee,

I am writing to introduce Senate Bill 57 – Sexual Offenses – Crime of Violence and Lifetime Supervision. This bill resolves an inconsistency in current Maryland law and ensures that offenders who commit sexual abuse of a minor are subject to existing penalties and supervision to decrease the risk of recidivism.

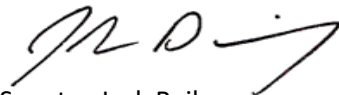
Under current law, an offender who commits sexual abuse of a minor in violation of §3-602 of the Criminal Law Article against a minor under the age of 13 is considered to have committed a crime of violence under certain circumstances, while an offender who violates §3-602 against a minor under the age of 12 is subject to lifetime supervision. This inconsistency means that a person who commits this crime against a victim who is 12 years old has committed a crime of violence but is not subject to lifetime supervision. The bill makes these provisions consistent by requiring lifetime supervision for offenders who violate §3-602 against a minor under the age of 13. It is important to note that a person may petition for discharge from lifetime sexual offender supervision after serving at least five years of the extended sexual offender supervision. Also, if a petition for discharge is denied, the person can renew the petition for reconsideration each year.

Other provisions of the bill address instances of §3-602 where the victim is 13, 14, or 15 years old. These victims deserve the same protections as those who are under the age of 13. This bill specifies that in cases where the victim is between the ages of 13 and 15, the crime of violence statute and lifetime supervision will only apply to offenders who are 21 or older. Senate Bill 57 makes no other changes to the circumstances already in law for when a violation of §3-602 is considered to be a crime of violence.

Senate Bill 57 is narrowly targeted to protect Marylanders from a relatively small but significant number of offenders who have committed these very serious crimes that affect our children. The bill is prospective and does not apply to any conviction before the bill's effective date. Senate Bill 57 is designed to protect our most vulnerable citizens from some of the most heinous crimes, specifically felony sexual assaults. This bill is identical to Senate Bill 68 from last session, which passed the Senate 45-0.

I respectfully request a favorable report on Senate Bill 57. Thank you for your consideration.

Sincerely,

  
Senator Jack Bailey

**SB0057 - FAV - MSAA PGSAO (2).pdf**

Uploaded by: Jessica Garth

Position: FAV

**AISHA N. BRAVEBOY**  
STATE'S ATTORNEY



**JASON B. ABBOTT**  
PRINCIPAL DEPUTY STATE'S ATTORNEY

**State's Attorney for Prince George's County**  
14735 Main Street, Suite M3403  
Upper Marlboro, Maryland 20772  
301-952-3500

February 1, 2023

Testimony in **Support** of

**SB 0057 – Sexual Offenses – Crime of Violence and Lifetime Supervision**

---

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Committee:

I am writing to show my strong support for Senate Bill 0057 on behalf of State's Attorney Aisha Braveboy and the Maryland State's Attorneys' Association, and to urge a favorable report. Passage of Senate Bill 0057 would serve to provide justice to some of the most vulnerable victims in our community.

I serve as the Chief of the Special Victims & Family Violence Unit in Prince George's County. My staff and I carry an extensive caseload of cases involving sexual abuse of children. Current Maryland law marks sexual abuse of a minor as a crime of violence only if the victim is under the age of 13 years and the offender is an adult at the time of the offense. Passage of SB 0057 would add cases where the victim is under the age of 16 years and the offender is at least 21 years old as crimes of violence. We urge this expansion on the basis of fairness and equity of all child victims.

Classification of a case as a crime of violence has a direct impact on parole eligibility. Understandably, one of the primary concerns of victims and their families is when an offender will be released from incarceration, both from a safety standpoint and the perception of fundamental fairness. Under current Maryland law, offenders who are convicted of a crime of violence are not eligible for parole until they have served 50% of their aggregate sentence for the violent crimes. Compare this to offenders who are convicted of crimes that are not classified as crimes of violence who become eligible for parole after serving 25% of their aggregate sentence.

In practice this means that in cases where an offender is sentenced to 10 years of incarceration, the offender will be eligible for parole after serving 5 years if the victim was 12 years old, but only 2.5 years if the victim was 13 years old.

Explaining to a minor victim's family that their case is not being treated the same way as the case of a younger victim is one of the many difficult conversations that we have as prosecutors, and it is just one more injustice suffered by some of our most vulnerable victims. If you consider that 66% of all sexual assault victims under 18 years are between the ages of 12 and 17 and that 93% of children who are victims of sexual abuse know their abuser, 34% are abused by a family member, and 59% are family acquaintances, the need to expand this protection becomes clear.

For victims aged 13-15, the abuse suffered is no less than their younger counterparts. Indeed, these victims are typically at the stage of life where they are beginning to understand and explore what it means to engage in healthy relationships. Sexual abuse at this age has long-lasting impacts that are no less than those suffered by younger victims, including increased likelihood of drug abuse, PTSD symptoms, and depression. SB 0057 correctly categorizes this abuse as a crime of violence and equalizes the sentences that must be served by abusers.

SB 0057 further updates the code to include these same offenders under lifetime sexual offender supervision, an important tool for rehabilitation of the offender and protection of the community. The statute also updates language concerning the previously repealed Second Degree Sexual Offense (§ 3-306) to bring it up to date with current law.

For the foregoing reasons, I respectfully urge a favorable report, and ultimately passage, on SB 0057.

Sincerely,



Jessica L. Garth  
Chief, Special Victims & Family Violence Unit  
State's Attorney's Office for Prince George's County

*Statistics from RAINN.org*

# **SB 57 Crime of Violence.pdf**

Uploaded by: Kathryn Marsh

Position: FAV





## Maryland State's Attorneys' Association

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Rich Gibson  
President

Steven I. Kroll  
Coordinator

January 30, 2023

Maryland Senate Judicial Proceedings Committee  
Sen. William Smith, Chair  
2 East Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

Re: Favorable Report for Senate Bill 57

Dear Chairman Smith and Members of the Committee

### Trigger Warning:

“I relive the crime over and over again and I can never leave the crime scene.”  
Survivor of child sexual abuse.

“There are wounds that never show on the body, that are deeper and more hurtful  
than anything that bleeds” Laura K. Hamilton.

“At the age of thirteen, I realized that there was danger in innocence and beauty, I  
could not live with both” Tracey Emin, describing childhood rape.

Child sexual abuse is a crime that stays with a victim forever and is associated with a wide range of adverse outcomes including: mental health diagnosis such as PTSD, anxiety, depression and self-harm to and physical health related outcomes like increased risk of diabetes, cancer, obesity and addiction. Although the long-term impacts and risks associated with child sexual abuse are well documented, what is often overlooked is the impact on the victim when justice isn't served in the courtroom.

Currently, Sexual Abuse of a Minor is only considered a crime of violence when a victim is 12 or younger, meaning that if a victim is 13 and sexually abused by a parent, relative or caregiver, the perpetrator is eligible for parole at just a quarter of the sentence; for example, if the abuser receives a 10-year sentence and the victim is 13, the abuser is eligible for parole in 2.5 years, this is the exact same parole eligibility of a perpetrator who had just punched someone.

This bill would help better balance the scales of justice when it comes to sexual abuse of our minors. Specifically, this bill establishes that for a child 13 or younger, Sexual Abuse of a Minor would be considered a crime of violence. This change is extremely important as statistically, children between the ages of 7 and 13 are the most vulnerable to Child Sexual Abuse. This bill also makes Sexual Abuse of a Minor a crime of violence If a victim is 14 or 15 Sexual and the abuser is over the age of 21. This change recognizes that 28% of U.S. children between the ages of 14 and 17 have been victims of sexual abuse. Age, however, is not the only factor that should be considered when examining this legislation, but rather the specific crime itself. Sexual Abuse of a Minor occurs when a family member, household member, or a person who holds a position of care and custody over a child sexually abuses that child. Care and Custody includes rights and responsibilities over the actions of a child. 93% of children who are victims of sexual

abuse know their abuser with 34% of the crimes being committed by a child's family member. When looking at Sexual Abuse of a Minor, we are looking at one of the most heinous crimes that can be committed as a young victim is not just sexually violated, but also has their trust ripped from them from the very person who should be protecting them. Robbery, without a weapon, is a crime of violence, rightfully so, as it is forcefully taking away the property of another. However, I would wager as a career special victims prosecutor, that a victim of child sexual abuse would much rather have their purse taken by force, rather than their innocence. Sexual abuse of a minor needs to be a crime of violence.

In addition to increasing the age at which Sexual Abuse of a Minor would be considered a crime of violence, this legislation would also amend the statute governing Lifetime Sexual Offender Supervision (Lifetime Supervision doesn't mean lifetime as I explain below), in two ways:

- 1) Regarding Sexual Abuse of a Minor it would change the age from 12 to 13 and;
- 2) it would provide parity between Second Degree Sexual Offense and Second Degree Rape.

It is important to note that although the statute labels this form of supervision as lifetime, it is in fact risk-based supervision. The statutes governing Lifetime Supervision allows the Court the discretion to remove a perpetrator from Lifetime Supervision, after 5 years, if the Court is convinced the perpetrator is no longer a danger. Under Criminal Procedure 11-724 (f) a person may file for discharge from "lifetime supervision" after 5 years, and every year after that, if initially denied by the Court. When a petition for discharge is filed a risk assessment is conducted by a sexual offender treatment provider, additionally the sexual offender management team will also provide a recommendation to the court. If the court finds that the defendant is no longer a danger to others the defendant will be discharged from the supervision. If the court determines there is still a risk or danger to others the court continues the defendant on probation. The next year the defendant may request to be discharged from probation again and a new risk assessment is done. The defendant will only remain on probation as long as he/she is considered a risk or danger to others. Lastly, this statute only applies to a small portion of the population.

As the statute reads now, Lifetime Sexual Offender Supervision is available for any Second-Degree Rape but is only available for two categories of Second Degree Sexual Assault. In 2017, the Legislature determined that there is no legal difference between Second Degree Rape and Second Degree Sexual Assault and codified Second Degree Sexual Offense into Second Degree Rape, however, Criminal Procedure Section 11-723 (Lifetime Supervision) was omitted during this change and still categorizes these crimes differently which was not the intention of the Legislature. Anal penetration, fellatio and cunnilingus should all be treated the same, and provided the same protections as vaginal penetration. Of course, the more time that has passed since 2017 the less likely this section of the statute is an issue. We will still see cases with sexual assaults that occurred prior to 2017, however these cases often have multiple victims (think Sandusky, Nassar). When the crime occurred prior to 2017 prosecutors are required to charge the Second Degree Sexual Offense, and as of right now, victims of Second Degree Sexual Offense aren't entitled to the risk based supervision they would be if the crime occurred today.

I urge a favorable return for Senate Bill 57

Kathryn A. Marsh  
Career Special Victims Prosecutor  
MSAA representative

*Statistics from RAINN and CDC*

# **SB 57 Written testimony - 2023 SAM Lifetime superv**

Uploaded by: Lindsey Carpenter

Position: FAV



J. CHARLES SMITH, III  
STATE'S ATTORNEY

KIRSTEN N. BROWN  
DEPUTY STATE'S ATTORNEY

**STATE'S ATTORNEY'S OFFICE**

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Frederick, Maryland 21701

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DISTRICT COURT DIVISION  
301-600-2573

CHILD SUPPORT DIVISION  
301-600-1538

JUVENILE DIVISION  
301-600-2980

DATE: January 31, 2023

BILL NUMBER: SB 57

POSITION: Favorable

Chairman Smith, Vice Chairman Waldstreicher and Members of the Committee:

My name is Lindsey Carpenter and I am an Assistant State's Attorney in the Special Victims Unit at the Frederick County State's Attorney's Office. I am a member of the Frederick County Child Advocacy Center Multi-Disciplinary Team, the Frederick County Sexual Assault Response Team, and a co-chair of the Frederick County Human Trafficking Response Team. I am writing on behalf of the Frederick County State's Attorney's Office and MSAA requesting a favorable report on SB 57.

SB 57 allows for lifetime supervision of a convicted sexual offender who is currently subject to lifetime registration. Currently, under the sex offender registration statute, a convicted sex offender is subject to lifetime registration for Second Degree Sexual Offense (CR 3-306 prior to October 1, 2017) and Sexual Abuse of a Minor (CR 3-602). However, those same convicted offenders would only be subject to lifetime supervision if they were convicted of Sexual Abuse of a Minor and the victim was under the age of 12 years old at the time the offense was committed.

SB 57 recognizes that individuals who are subject to lifetime sex offender registration due to the severity of the sexual offense they have committed should also be subject to lifetime supervision. While the sex offender registry is a necessary and beneficial tool, lifetime supervision offers additional protections to ensure that individuals in the State of Maryland are protected from sexual predators. For example, special conditions of lifetime supervision can include restricting a person from obtaining employment that would bring them into contact with minors, random computer checks for sexual activity with minors, and prohibiting a person from contacting the victim or another category of individuals (such as minor children).

An individual charged with Sexual Abuse of a Minor is subject to lifetime registration regardless of the victim's age. How is it that an individual who sexually abuses an 11 year old victim would be subject to lifetime supervision, but an individual who sexually abuses a 12 year old victim would not? Sexual Abuse of a Minor is a particularly heinous crime in that the offender must have a familial or custodial relationship with the victim. These offenders take advantage of the nature of that relationship and exploit the inherent trust that exists due to that relationship, making them even more predatory.

SB 57 would provide the Court with an additional tool to ensure that the citizens of Maryland are protected from sexual offenders. For these reasons, the Frederick County State's Attorney's Office and MSAA request a favorable report on SB 57.

A handwritten signature in black ink, appearing to read 'L.M.C.', with a long horizontal flourish extending to the right.

Lindsey M. Carpenter  
Assistant State's Attorney  
For Frederick County

# **SO - Lifetime supervision expansion - senate testi**

Uploaded by: Lisae C Jordan

Position: FAV



**Working to end sexual violence in Maryland**

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Silver Spring, MD 20907  
Phone: 301-565-2277  
Fax: 301-565-3619

For more information contact:  
Lisae C. Jordan, Esquire  
443-995-5544  
[www.mcasa.org](http://www.mcasa.org)

**Testimony Supporting Senate Bill 57**  
**Lisae C. Jordan, Executive Director & Counsel**  
February 1, 2023

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes 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. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 57.

**Senate Bill 57**

**Expansion of Mandatory Lifetime Supervision of Sex Offenders and  
Definition of Crime of Violence in Criminal Law**

This bill expands the sex offenders subject to mandatory lifetime supervision by adding the age-based sex offenses in Criminal Law §3-306 (victim under 13 and offender over 18) and by expanding lifetime supervision to offenders convicted of sexual abuse of minor under §3-602 when the child was under the age of 16 and the offender was at least 21. Additionally, SB57 would expand the definition of a crime of violence under §14-101 of the criminal law article to include sexual abuse of a minor where the child is under the age of 16 and the offender was at least 21.

MCASA supports expanding lifetime supervision to these serious cases and appreciates that the sponsors included language to limit lifetime supervision to cases involving children under 16 in response to concerns raised previously about creating an overly broad requirement and the need to preserve resources and allocate funds for victim services. *MCASA also supports the proposed changes to the definition of a crime of violence; we note that the Committee may wish to consider parallel changes to the definition of a crime of violence found in the Public Safety Article §5-101.*

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to  
report favorably on Senate Bill 57**

**SB0057-Cordero letter of support.pdf**

Uploaded by: Rebecca Cordero

Position: FAV



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January 30, 2023

The Honorable William Smith & Members of the Senate Judicial Proceedings Committee  
Chairperson, Senate Judicial Proceedings Committee  
11 Bladen Street  
Annapolis, MD 21401

Dear Chairperson Smith and JPR Committee Members:

I write to you today in support of SB57- Sexual Offenses- Crime of Violence and Lifetime Supervision. I am a prosecutor in Calvert County, and I handle all of the Child Sexual Abuse cases in our county. I am a member of the Calvert County Child Advocacy Center Multidisciplinary Team, and have handled numerous cases of child sexual abuse in my 19 years as a prosecutor. I urge a favorable report on SB57.

Under Maryland Criminal Law 3-602, a person who is a parent, family member, household member, or another person with care and custody may not sexually abuse a minor child. Sexual abuse can be anything from exploitation to rape under this statute. Currently, this crime is not considered a crime of violence under Criminal law 14-101 if the victim is 13 or older. This means that an offender only needs to serve 25% of their sentence before they are eligible for parole. HB0164 would make Sexual Abuse of a Minor a crime of violence for those victims under 16 years old if the offender is over 21 years old.

I recently had a case where a Defendant was given a 30 year active sentence for two convictions of Sexual Abuse of a Minor involving the same victim. This sentence sounds good on paper, but because the victim was not under 13, the offender will only do approximately 7 ½ years before he is eligible for parole. This is unacceptable. If HB0164 had been in effect, this Defendant would have to do 15 years before parole eligibility.

Child sexual abuse deeply impacts our children. Survivors of child sexual abuse experience long term effects such as depression, anxiety, guilt, shame, self-blame, sleeping disorders, eating disorders, and interpersonal relationship problems. It shatters their innocence and robs them of their security. It is a violent crime no matter what the age of the child.

Sexual abuse of a minor is no less of a crime of violence when a child is 13-15 years old. It is our duty to protect the most vulnerable members of our community from those who victimize them.

I strongly urge this Committee to issue a favorable report on SB57.

Sincerely,

*Rebecca Cordero*

Rebecca Cordero  
Senior Assistant State's Attorney  
Calvert County State's Attorney's Office

**sb 57 MOPD Lifetime Supervision Unfavorable.pdf**

Uploaded by: Elizabeth Hilliard

Position: UNF



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB 57 Sexual Offenses - Crime of Violence and Lifetime Supervision**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: 1/31/2023**

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 57.

Specifically, we are opposed to any expansion of the lifetime sex offender registry. Sex offender registries not only fail to promote public safety, but also come at an extreme cost both to individual registrants and to the community. Senate Bill 57 is not only ineffective but also ill-advised from both a public safety and a public policy standpoint.

Those convicted or accused of sexual offenses are some of the least likely to recidivate, yet face the most severe restrictions on their liberty following the completion of their sentences because of the registration requirements. This comes at great cost to both individual registrants (who face a lifetime of punishment on the sex offender registry) and the community, which must bear the costs of increased unemployment, homelessness, and other issues that come with the unnecessary, permanent social ostracization of this group. A 2019 Bureau of Justice Statistics report confirms that, within 9 years of release, less than 67% of people convicted of sexual assault were rearrested for any offense, making rearrest **20% less likely** for this group than all other offense categories combined (84%).<sup>1</sup> The same study also found that those convicted of rape or sexual assault were drastically less likely than other former offenders to commit the same

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<sup>1</sup> Wendy Sawyer, *BJS Fuels Myths About Sex Offense Recidivism, Contradicting Its Own New Data*, PRISON POLICY GROUP, June 6, 2019, available at <https://www.prisonpolicy.org/blog/2019/06/06/sexoffenses/>.

crime again following release (7.7% as compared to 24% for property crimes, 18.5% for drug-related crimes, and 59% for “public order” crimes).

The restrictions and requirements of sex offender registration come at immense cost to individual registrants, law enforcement, and the community with minimal return. Many of those convicted of sex offenses are barred from accessing public benefits, jobs, housing, services, and even many shelters, and thus are funneled into low-income neighborhoods or outright homelessness. Sex offender registries must also be monitored and maintained at great cost to the state and to law enforcement. Registration requires in-person check-ins, oversight of social media, electronic mail, home visits and verifications, vehicle registration and monitoring, electronic database maintenance, facilitation of public access to certain records, and much more. A 2009 study estimated that the cost to Maryland for first-year implementation and compliance with the Sex Offender Registration and Notification Act, a federal law setting baseline requirements for statewide registry systems, [was \\$9.1 million](#). The registry does little (if anything) to prevent or treat the underlying causes of interpersonal violence, sexual abuse, and sexual assault. It comes at exorbitant cost to both law enforcement and the community. Sex offender registries are thus ineffective and ill-advised, from both a public safety and public policy standpoint.

These registries are sold as a preventive tool; however, most sex offenses are committed by first-time offenders who are not on the registry. Obviously, the existence of the registry does nothing to prevent those crimes. A 2018 study examining the effect of Megan's Law in New Jersey concluded that legislation imposing registration “does not have a demonstrable effect on future \offending.”<sup>2</sup> A New York study similarly found no evidence that registration and notification laws were effective at reducing future sex crimes.<sup>3</sup> A South Carolina study funded by the Department of Justice came to the same conclusion.<sup>4</sup> Registration laws can actually make

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<sup>2</sup> Kristen M. Zgoba, Wesley G. Jennings & Laura M. Salerno, *Megan's Law 20 Years Later: An Empirical Analysis and Policy Review*, 45 CRIM. JUST. & BEHAV. 1028, 1044 (2018).

<sup>3</sup> See Jeffrey C. Sandler, Naomi J. Freeman & Kelly M. Socia, *Does a Watched Pot Boil?: A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law*, 14 PSYCH. PUB. POL'Y & L. 284, 284 (2008).

<sup>4</sup> Elizabeth J. Letourneau et al., *Evaluating the Effectiveness of Sex Offender Registration and Notification Policies for Reducing Sexual Violence against Women*, Med. U. S.C., at 3-4 (Sept. 2010).

communities *less* safe in a variety of ways. Sex offender notification laws have been shown to increase recidivism among some sex offenders.<sup>5</sup> Even for the vast majority of registrants who never commit another sex offense, the onerous restrictions described above impede stability, rehabilitation, and full reintegration into society, making them more likely to commit offenses related to survival. Finally, [registration and notification laws put registrants at severe risk of becoming victims of vigilante violence and even murder.](#)

As public defenders, we have witnessed the lasting harms of the sex offender registry. Our office represented a man who had consensual sexual intercourse with a 13 year old when he was still a young adult. He pled guilty to 3rd degree sex offense and although he served a relatively short sentence, he was required to register as a sex offender for life. Once convicted, he could no longer reside with his family and struggled to find permanent housing. His status on the registry prevented him from working in his chosen field, even though that field required no contact with children. It also prohibited him from seeing his two children perform in the school play. More than a decade after he finished serving his sentence, he died alone in a motel of a heroin overdose.

Maryland's registration statute also criminalizes and punishes what should otherwise be considered reform-minded and productive behavior in society. Take, for example, the case of William.<sup>6</sup> William pled and was convicted of a third degree sexual offense which, unbeknownst to him at the time, resulted in lifetime registry as a Tier III offender. William completed a lengthy prison sentence, successfully completed a five-year term of sex offender probation (which included polygraph examinations, a year-long treatment course, and very stringent reporting requirements), and started a new life. He got a job, started a family, and got a house. He did all of the things that society would strive and demand someone achieve after satisfying the punitive aspect of a sentence.

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<sup>5</sup>J.J. Prescott & Jonah E. Rockoff, *Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?*, 54 J.L. & Econ. 161, 192 (2011).

<sup>6</sup> All names and other identifying information have been changed to protect the parties' privacy.

He also started registering as a sex offender. He would check in with the police every six months, as mandated by law. Over the course of 15 years, he never missed a date: never failed to report a new car, an email address, a social media account--all of the myriad requirements that are demanded of this group. Then, one day, he got a call from his children's school, asking if he would attend a meeting regarding his daughter's academic progress. His daughter had been struggling, but of late was earning straight A's, and the teaching staff wanted to take the moment to commend her achievement while also planning for the future. William was proud, and excited to attend. On the day of the meeting, he arrived early, showed and scanned his ID at the front door, and was welcomed into the meeting. Then, within a few minutes, a man came in and told him he needed to leave. "There are certain laws," the man said, that prevented his participation in the meeting, despite his invitation to the same. William made one mistake--one mistake in 15 years--and because of that, he was charged, prosecuted, and faced a three-year maximum penalty for violating Maryland's registration laws: for doing everything we would want a good parent to do. Suddenly, everything was at risk again, his job, his home, and access to his family

We mention William's case, not because it is an anomaly, but because it is the norm. The registration statute is overbroad, overpunitive, and overreaching. This is why we oppose Senate Bill 57 and any effort to expand it, because people like William deserve to be good parents to their children, and to be productive members of society.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 57.**

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**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

