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DATE: January 26, 2023

BILL NUMBER: HB 164

POSITION: Favorable

The Frederick County State's Attorney's Office supports HB 164.

HB 164 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.

HB 164 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.

HB 164 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 requests a favorable report on HB 164.

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For Frederick County