

Unfavorable Response to HB0249

Public Safety – Statewide DNA Database System, DNA Collection, and Penalties – Alterations

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We feel the registration language suggested is unclear and will create confusion. We are recommending a modest amendment.

Our chief concern is that the current language does not make clear that a DNA sample should be required from registrants only once. Individuals required to register likely will have already submitted a DNA sample in connection with their underlying prosecution or conviction, either in Maryland or another jurisdiction, and must report in person every 6 months (Tiers 1 and 2), every 3 months (Tier 3), or weekly if homeless.

The proposed Sections 2-504(a)(4) and 2-504(b)(2)(iii) should be amended to make clear that DNA sample collection is required only at the time of initial registration (unless results from DNA sampling are already available to the Supervising Authority), and not at the time of periodic reporting/re-registration. Our proposed changes to the language are below.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries

2-504(a)(4) – AN INDIVIDUAL REQUIRED TO REGISTER AS A SEX OFFENDER UNDER SECTION 11-704 OF THE CRIMINAL PROCEDURE ARTICLE SHALL HAVE A DNA SAMPLE COLLECTED BY THE SUPERVISING AUTHORITY ~~WHERE THE INDIVIDUAL IS INITIALLY REQUIRED TO REGISTER~~ **AT THE TIME OF INITIAL REGISTRATION, UNLESS DNA HAS PREVIOUSLY BEEN SAMPLED FOR THE INDIVIDUAL AND THE RESULTS ARE OBTAINABLE BY THE SUPERVISING AUTHORITY.**

2-504(b)(2)(iii) - AT THE TIME OF **INITIAL** REGISTRATION AS A SEX OFFENDER UNDER § 11-704 OF THE CRIMINAL PROCEDURE ARTICLE, BY THE SUPERVISING AUTHORITY WHERE THE INDIVIDUAL IS INITIALLY REQUIRED TO REGISTER, ~~IF APPLICABLE.~~ **UNLESS DNA HAS PREVIOUSLY BEEN SAMPLED FOR THE INDIVIDUAL AND THE RESULTS ARE OBTAINABLE BY THE SUPERVISING AUTHORITY.**