

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 new language suggested for the Criminal Law Article is unclear and will create confusion. We request that the bill be withdrawn on the basis that it is largely unnecessary or, alternatively, are recommending a modest amendment to the proposed language for the reasons stated below.

This bill would add a requirement for DNA sampling for individuals required to register under Maryland law. In FAIR's view, the bill largely is unnecessary, because the existing statute already requires individuals charged with a crime of violence or convicted of a felony to provide a DNA sample under existing law... and that is virtually everyone on our registry!

Another concern is that the current language does not make clear that a DNA sample is required from registrants only once. Individuals required to register (1) likely would have already submitted a DNA sample in connection with their underlying prosecution or conviction, either in Maryland or another jurisdiction, and (2) must report in person to Maryland authorities periodically for as long as they remain on the Registry. In general, Tier 1 and Tier 2 registrants report/re-register every 6 months, Tier 3 registrants every 3 months, and anyone homeless reports/re-registers weekly.

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 on the next page.

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, **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.**