

Senate Judicial Proceedings Committee

Attn: Senator William C. Smith, Jr.

RE: SB0320 Criminal Procedure – Sexual Offenders – Lifetime Supervision

SUPPORT

I am here in support of Senate Bill SB0320. This measure would widen the usage of the obscure Lifetime Supervision provision, which currently applies to only a very limited number of sex offenders, convicted of very specific crimes. As it stands right now, the majority of registered sex offenders in the State of Maryland are only actually supervised and/or restricted through probation, the maximum of which is 5 years. The length of time these offenders are required to be on the Sex Offender Registry, however, is either 15 years, 25 years, or even their entire lifetime, depending on which Tier they are put on.

The Sex Offender registry itself stipulates that offenders cannot go on school or child care property, and that offenders must provide updated work/home information whenever there are changes. Any additional restrictions above these basic requirements are conditions of an offender's probation, they are not actual requirements of being on the registry. The registry itself is primarily a directory of information, rather than an actual tool to restrict an offender's behavior or access to children going forward. Actual restrictions of behavior, mandating of sexual offender treatment, or drug and alcohol testing can only be issued through probation (which expires in 5 years) or the Lifetime Supervision provision (which only applies to a very limited number of convictions).

With the majority of Maryland cases only having a five year probationary term, there is a large gap between when offenders come off of probation, and when they come off the Sex Offender Registry itself. This allows for extended periods of time in which offenders are deemed enough of a public safety concern to be listed on the registry, and have their information publicly identified, but not under the monitoring of a probation officer that has the ability to enforce restrictions.

Widening the usage of the Lifetime Supervision provision would ensure that an offender required to be on the Sex Offender registry for life, would actually be eligible to have the appropriate restrictions enforced for life as well. It would give the team of professionals involved with the offender the ability to determine what restrictions and/or additional treatment is necessary going forward, if any. For instance in a case involving child sexual abuse, an offender is required to be on the Sex Offender registry for the rest of their life, but after their five years of probation, any probation restrictions such as no unsupervised contact with minors, no unmonitored electronic communication with minors, or no contact with the child victim in the abuse case, are gone. All of these actions become completely legal, even though the offender is required to register for the rest of their life. This leaves law enforcement and child protective services with no recourse of action when seeing a convicted offender attempting to gain access to children, instead being forced to wait to intervene until there is another allegation of abuse.

I know there are many types of situations and offenses that fall under this issue, but I am going to focus on the direct effect this legislative loophole is having on my family, my personal story. My name is Annie Kenny, I'm a single mother to three daughters, and I have lived in Southern Maryland since I was a toddler. Several years ago, I discovered that my husband had abused one of my three daughters. He was indicted on felony child sex abuse charges, and is now a Tier III Registered Sex Offender for the rest of his life. In our divorce, I was granted sole legal and physical custody of our other two daughters, with him to have only supervised visitation at his mother's home. In June of 2018, my daughter revealed to her therapist that on their visits, she and her sister were being allowed to sleep alone with my ex-husband. Multiple Child Protective Services reports were filed and law enforcement got involved, but ultimately the situation was deemed a civil matter, as no actual laws were broken.

The road since then has been exhausting, constant battles in civil court which have cost me over \$30,000 in legal fees, hundreds of phone calls, and tons of research only to find dead end after dead end. All the while my ex-husband has continued to harass my family and attempt to gain unsupervised access to these children, showing up where we are scheduled to be, sending private messages to my daughter's Ipad, telling her to change her password, and setting up fake social media accounts. I am in a constant state of high alert. I build a wall, he finds a way around it. I build another wall, he finds a way around that one. I have an already convicted pedophile trying to gain access to my children, attempting to groom the next daughter, and none of his actions are actually illegal.

I am relieved that after so much work, we have found a way to stop him. In April of 2019, he was taken back to court by his probation officer and the original prosecutor to have his probation conditions modified to include no unmonitored contact with minors, to include electronic, telephone, and written contact. Now there is an actual legal recourse that can be pursued. If he messages my daughter again, I can call the police and he can be charged with a violation of probation. However, 2 1/2 years from now, his probation will end, and then he will no longer be restricted from gaining unsupervised access with children. I will once again be surrounded by concerned people, therapists, social workers, law enforcement, prosecutors, all individuals whose job is to protect people, watching a very sick and angry man violate every civil boundary he's been given in an effort to have private access to children. And there will be absolutely nothing they can do about it.

Having these conditions added to his probation is no guarantee that he will stop, but it's a much stronger consequence than him just continuing to go head to head with the mother of these children. I am hopeful that knowing that he will go to jail will act as a deterrent for his sick behavior. But if it isn't, then at least all of the people who are watching this scary situation unfold can actually do something about it and have him arrested. Not only that, but we have the ability to add more restrictions in the future if necessary. Let's be honest, we don't think the way that some of these offenders do. There's no way for me to anticipate my ex-husband's next move, to fully understand how desperate he is to be alone with these children, to know which direction he'll head in next. Realistically, the way technology is changing so quickly, in a few years there could be all types of potential access that we've never even thought about. Being able to add restrictions going forward is necessary to keep these children safe. There's no way to get ahead of him and stay there, we need the ability to evolve as he makes new attempts. That being said, my ex-husband's probation will expire in the fall of 2022. After that date, I have no recourse of action for protecting these children. There's no threat of jail time. There's no rules beyond the very basic and generic registry requirements. My ability to protect these children from a predator will disappear.

I know that the basis of my story is my fight to keep my own children safe, but this battle is really about the safety of all children. He may one day realize that he will never get through me. But that won't mean he's "cured" or he gives up. It just means he changes his focus. Which child will he set his sights on next? Yours perhaps? Or your grandchild? Or your neighbor? It shouldn't matter which children he may go after. There is no such thing as other people's children. It should never be up to a child to determine which behaviors are grooming or unsafe, or to be burdened with having to report abuse. It is society's responsibility to keep the appropriate boundaries up to deter convicted offenders from gaining access to children in the first place. PROTECTING CHILDREN IS NOT A CIVIL ISSUE. It is a societal issue, a judicial issue. Please, don't take away my ability to keep my daughters safe. Don't take away the legal system's ability to keep other children safe. As soon as probation ends, we are saying that there's no need to keep restrictions on these offenders, and that's just not the case with someone required to register for the rest of their life. We need the lifetime supervision provision expanded to apply to all offenders required to register for life.

I am not alone in my concerns regarding the current lack of restrictions for registered sex offenders in the State of Maryland. I started a petition on Change.org in October 2018, trying to bring awareness for how vulnerable children currently are, and out of frustration from finding so many gaps in the current laws. As of February 10, 2020, my petition has garnered 33,300 signatures. People are clearly concerned, as you should be, too. Here is the link to my petition, I hope you will take the time to look at it and read more, and understand the very real fears surrounding this issue.

<https://www.change.org/p/governor-hogan-better-sex-offender-laws-to-protect-our-children-a2e241ce-e821-45ae-b9f3-7231f4a2c93b>

You are not responsible for the fact that these legislative deficiencies exist, but now that you know they are there, you have a responsibility to do something about it and not look the other way.

Annie Kenny
26366 Meadow Wood Dr
Mechanicsville, MD 20659