



**Making The Law Work For Survivors
of Domestic Violence**

January 29, 2020

Senator William C. Smith, Jr.
Senate Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

Re: SB0320 Criminal Procedure – Sexual Offenders – Lifetime Supervision: SUPPORT

Senator Smith:

On behalf of the Domestic Violence Legal Empowerment and Appeals Project, I am writing in support of Senate Bill SB0320. This measure would widen the usage of the Lifetime Supervision provision, which currently applies to only a limited number of sex offenders convicted of certain specific crimes. Convicted sex offenders in the State of Maryland must register with the Sex Offender Registry for 15 years, 25 years, or their entire lifetime, depending on their designated Tier. The majority, however, are only supervised and subject to safety restrictions through probation for a maximum of five years.

The Sex Offender Registry's requirements are minimal. Offenders cannot go on school or child care property and must provide updated work/home information whenever there are changes. Primarily a directory of information, the Registry does not address the particular safety risks offenders may pose. Any additional restrictions on offender behavior and/or access to children, mandatory sexual offender treatment, or drug and alcohol testing, can only be imposed through probation or the Lifetime Supervision provision. Neither are sufficient.

The majority of Maryland sex offenders are subject to probation requirements for five years or less, but remain on the Sex Offender Registry for a minimum of 15 years. As a result, for extended periods of years, offenders who are deemed enough of a public safety concern to be listed on the Registry and have their information publicly identified are not monitored by a probation officer with the ability to enforce important protective restrictions. For example, an offender who has sexually abused a child is required to be on the Sex Offender Registry for the rest of his or her life, but after five years of probation is not subject to any probationary restrictions such as no unsupervised contact with minors, no unmonitored electronic communication with minors, or no contact with the child victim. This leaves law enforcement and child protective services unable to take preventative action to ensure a child's safety and instead must wait until there is another allegation of abuse before they can intervene.

This gap in mandatory oversight over offender behavior could be addressed by widening the application of the Lifetime Supervision provision to those offenders who are required to be on the Sex Offender Registry for life. Those offenders, deemed to be the highest risk in light of the nature of their crimes, would be subject to appropriate and enforceable restrictions on an ongoing basis. The professionals involved with them would have the ability to assess what restrictions and/or additional treatment is necessary going forward, if any.

DV LEAP Letter of Support

SB0320

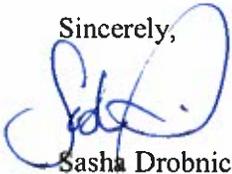
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It has already been determined that it is in the interest of public safety for society to be made aware of an offender's history and status for 15 years, 25 years, or their entire lifetime, based on their crime. To not also have the ability to restrict and monitor his or her actions for the same length of time is providing the community with a false sense of security, and failing to protect future potential victims of sexual crimes.

SB0320 would better protect the community from already convicted offenders and reduce the number of repeat offenses.

The Domestic Violence Legal Empowerment and Appeals Project makes the law work to protect and empower family violence survivors through pro bono appellate representation and advocacy. Sexual abuse can cause life-long trauma from which some adults and children will never recover. This proposed legislation would take a critical step to both preventing future harm as well as helping existing survivors heal. DV LEAP supports **SB0320**.

Sincerely,



Sasha Drobnick
Legal Director
DV LEAP