

BaltimoreCounty_FAV_SB0515.pdf

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JOHN A. OLSZEWSKI, JR.
County Executive

CHARLES R. CONNER III, ESQ.
Director of Government Affairs

JOEL N. BELLER
Deputy Director of Government Affairs

BILL NO.: **SB 515**

TITLE: Criminal Procedure – Registered Sex Offenders – Entry Onto School Property

SPONSOR: Senator Klausmeier

COMMITTEE: Education, Health and Environmental Affairs

POSITION: **SUPPORT**

DATE: February 17, 2021

Baltimore County **SUPPORTS** Senate Bill 515 Environment – Criminal Procedure – Registered Sex Offenders – Entry Onto School Property. This legislation would repeal an exception authorizing that under certain circumstances a student who is a registered sex offender can enter a property authorized for public or nonpublic elementary or secondary education.

From academics to extracurricular activities, school is perhaps the most important part of a young person’s life. These crucial formative experiences, however, can be hindered should a student feel unsafe on campus. This measure will prohibit a student registered as a sex offender from entering any elementary or secondary school at all times. Additionally, local boards of education would have to develop a policy that enables school aged sex offenders to continue receiving an education by participating in an alternative program. SB 515 seeks to make sure that students attending school in Baltimore County do not have to worry about assault or abuse and provides an added level of comfort to parents and school staff.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 515. For more information, please contact Chuck Conner, Director of Government Affairs at cconner@baltimorecountymd.gov.

SO - school property - testimony - senate - 2021.p

Uploaded by: Jordan, Lisae C

Position: FAV



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Supporting Senate Bill 515
Lisae C. Jordan, Executive Director & Counsel
February 17, 2021

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 515.

Senate Bill 515 addresses an unintended loophole in Maryland's laws regarding registered sex offenders and entry onto school property.

Adults (people over 18) are placed on the sex offender registry if they are convicted of certain crimes. Crim.Pro. §11-701, *et seq.* Juveniles can be placed on the sex offender registry if they are tried and convicted of a sex offense as an adult. Certain juvenile offenders can also be placed on a juvenile registry if they committed an offense that falls under Crim.Pro. §11-704.1.

Criminal Procedure §11-722 currently permits registered sex offenders to enter real property where a school is located if the sex offender is a student and has written permission, granted within the past year, from the Superintendent of Schools, the local school board, or the principal of the school AND notifies the school of the offender's presence and purpose of the visit.

In 2017, Santino Sudano was arrested and charged with second-degree rape in an incident involving a 13-year-old girl. He pleaded guilty to and was convicted of second-degree assault and a fourth-degree sex offense. He was convicted and required to register as a sex offender. In Fall 2018, he enrolled as a student at Parkville High School. He was subsequently charged with committing another sex offense against another student. This bill is a result of this case.

HB515 eliminates the exception allowing a student sex offender to be on school grounds and directs that a student-offender receive an education either through the "Home and Hospital Teaching Program" or by attending a Regional Institute for Children and Adolescents. This would ensure that young offenders continue to receive an education and also protect other students. MCASA notes that the Board of Child Care submitted a letter of information regarding educational needs of young offenders, many of whom are also victims of sexual abuse themselves. The Committee may wish to consider incorporating additional educational alternatives into the bill.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 515**

MD Catholic Conference_SB 515_FAV.pdf

Uploaded by: O'Day, Garrett

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 17, 2021

SB 515

Criminal Procedure – Registered Sex Offenders – Entry Onto School Property

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference offers this testimony in support of Senate Bill 515. The Catholic Conference represents the public policy interests of the three (arch)dioceses serving Maryland, including the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders. Maryland's Catholic schools educate than 50,000 students statewide.

Senate Bill 515 would ensure registered sex offender students do not enter school properties. However, if the registrant is a student, the bill would require each county board to develop and adopt a policy that would ensure their educational continuity.

The Church and its Catholic schools are committed to protecting the students educated in their classrooms. As a matter of course, Catholic schools conduct mandatory criminal background checks on all employees and on volunteers who work with children. They also provide comprehensive awareness training to educate adults and children on how to recognize predatory behaviors. Schools also adhere to the same vigilance with regard to students and policies to promote the safety of students from other students should be an additional priority in all of Maryland's schools.

This bill would afford schools the ability to ensure the safety of their students, while ensuring educational continuity for students who are registrants. It is a commonsense measure to further ensure the safety of all students, while giving those who have committed past wrongs a chance to complete their education, hopefully a key component in their rehabilitation process. The Conference urges a favorable report for Senate Bill 515.

SB 515 - Registered Sex Offenders - Entry onto Sch

Uploaded by: Shellenberger, Scott

Position: FAV

Bill Number: SB 515
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 515
REGISTERED SEX OFFENDERS – ENTRY ONTO SCHOOL PROPERTY

I write in support of Senate Bill 515 that would prohibit certain registered sex offenders from attending and being on school property.

In December of 2019, Santino Sudano was charged with Second Degree Rape of a Parkville High School student. At the time, Sudano was a 21 year old student at the school and the victim was 15 years old. Sudano had enrolled at Parkville High School in July 2019. This despite the fact that he had been previously convicted of a Fourth Degree Sex Offense after a 2017 incident when he was 19 and he had sex with another student who was only 13 years old. He pled guilty in that case in 2018 which caused him to be on the sex offender registry.

The permission to attend Parkville High School even after registering as a sex offender was permitted by the principal of that school.

Senate Bill 515 would prevent any student who is registered as a sex offender from attending a traditional school. The law does require that the school system develop a plan for alternative teaching so the student is not left without an education. The law does protect those students who are underage from being preyed upon by older students like Sudano.

I urge a favorable report.

OPD Written Testimony for SB 515.pdf

Uploaded by: Gross, Michal

Position: UNF



POSITION ON PROPOSED LEGISLATION

BILL: SB 515 Criminal Procedure – Registered Sex Offenders – Entry Onto School Property
POSITION: Unfavorable
DATE: February 15, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 515.

Those convicted or accused of sexual offenses are some of the least likely to recidivate, yet already face the most severe and protracted punishments. This is especially problematic for children, who are less able than adults to perceive and understand the long-term consequences of their acts, and whose success in life is largely dependent on their ability to access equal and fair education. Studies show that youth convicted of sexual offenses do not have an elevated risk of committing new sex crimes as compared with other youthful offenders; a 2007 study revealed that just 17 sex offenders were charged with a new sexual offense as compared with 101 non-sex offenders.¹

Young people who have offended sexually not only have low rates of recidivism, but are also amenable to treatment. A Department of Justice report has noted that multisystemic therapy (MST), a community-based intervention that works with youth, their families, and their schools, has been proven to be particularly effective at reducing recidivism.² While concerns about the safety of other students is understandable, research suggests the “school system may actually be a platform to better target risk and protection to not only *reduce likelihood* for harmful sexual behavior within the setting but to also more holistically rehabilitate youthful sexual offenders.”³ One study found that youth who had committed sexual offenses were less likely to complete treatment when their school placement was disrupted, but were almost four times more likely to successfully complete treatment when they were able to engage in extracurricular activities in school, and were three times more likely to successfully complete treatment when a school representative was involved in their treatment team.⁴ Changes in school placement can be particularly stigmatizing and reinforce symptoms of antisociality.⁵ In fact, “when an adolescent experiences isolation from peers, this anxious attachment could contribute to feelings of further isolation and alienation, and is related to feelings of inadequacy, especially in the masculine role... Sexual offending

¹ Sawyer, W. *BJS Fuels Myths About Sex Offense Recidivism, Contradicting Its Own New Data*, Prison Policy Group, June 6, 2019, available at <https://www.prisonpolicy.org/blog/2019/06/06/sexoffenses/>.

² Przybylski, R. *The Effectiveness of Treatment for Juveniles Who Sexually Offend*, DOJ Sex Offender Management Assessment and Planning Initiative (2015).

³ Yoder, J, Hansen, J., Ruch, D., & Hodge, A. *Effects of School-Based Risk and Protective Factors on Treatment Success Among Youth Adjudicated of a Sexual Crime*, *Journal of Child Sexual Abuse*, 25:3, 310-325, at 315, DOI: 10.1080/10538712.2016.1137668 (2016); see also Letourneau, E. J., & Borduin, C. M. *The effective treatment of juveniles who sexually offend: An ethical imperative*. *Ethics & Behavior*, 18(2–3), 286–306. doi:10.1080/ 10508420802066940 (2008).

⁴ *Id.* at 317.

⁵ Gasper, J., DeLuca, S., & Estacion, A. *Coming and going: Explaining the effects of residential and school mobility on adolescent delinquency*. *Social Science Research*, 39(3), 459–476. doi:10.1016/j.ssresearch.2009.08.009 (2010).

For further information please contact Cynthia Frezzo or Michal Gross, Assistant Public Defenders and subject matter experts, at cynthia.frezzo@maryland.gov and michal.gross@maryland.gov or Krystal Williams, Director, Government Relations Division, at krystal.williams@maryland.gov or by phone at 443-908-0241.

may be an attempt to compensate for this inadequacy.”⁶ Essentially, the research supports that the protective factors of young offenders developing and maintaining school attachment may mitigate any supposed risks associated with their attendance. Involving school personnel in supporting and monitoring reintegration and involvement in prosocial activities with other youth does more to protect other young people than stigmatizing and ostracizing young offenders.

Experts warn against reactionary legislation to worst-case scenarios when dealing with youthful sexual offenders. The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, a Department of Justice program under the purview of the Attorney General, published a report in 2014 on the available research around youthful sex offenders. The second chapter of that report ends with a summary of the research and warning to legislators:

“While research has documented the heterogeneity and differential treatment and supervision needs that exist within the juvenile offender population, policy responses tend to be designed with only the highest risk offenders in mind. **Rather than using a one-size-fits-all approach, legislative initiatives should encourage risk assessment and the application of aggressive strategies and the most intensive interventions only for those offenders who require the greatest level of supervision, treatment and personal restriction.** In this way, both community safety and the successful rehabilitation of youth who offend can be ensured.”⁷

Instead of using risk assessments and reserving the most aggressive strategies for those who require that level of intervention, this bill treats every person required to register as a danger to others at school – disregarding age, offense, or actual risk. This is exactly the one-size-fits-all legislative approach researchers warn against.

Further, the educational plan proposed is expensive, cumbersome, and unrealistic. The bill offers two alternatives to public school education: Home and Hospital Teaching Programs and the Regional Institutes for Children and Adolescents (RICA). The first, Home and Hospital, is a program which sends individual tutors to the homes of students who cannot attend school for medical reasons. Home and Hospital requires both centralized coordination by the school district and individual tutors, presumably paid for by the district where the student resides. Although the fiscal note does not calculate the actual cost of the bill, it notes that Anne Arundel County estimates the cost of Home and Hospital education at \$35,000 per student per school year, more than double the average cost to educate a student in Anne Arundel County.⁸

The second alternative education option offered is unrealistic. There are two RICA facilities in the state – Baltimore and Rockville. RICA Baltimore is a residential treatment facility with admission criteria and

⁶Leversee, T. “Chapter 2: Etiology and Typologies of Juveniles Who Have Committed Sexual Offenses” *Sex Offender Management Assessment and Planning Initiative*, Department of Justice Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, available at <https://smart.ojp.gov/somapi/chapter-2-etiology-and-typologies-juveniles-who-have-committed-sexual-offenses>, citing Miner, M.H., Robinson, B.E., Knight, R.A., Berg, D., Swinburne Romine, R. & Netland, J. *Understanding sexual perpetration against children: Effects of attachment style, interpersonal involvement, and hypersexuality*, *Sexual Abuse: A Journal of Research and Treatment*, (20)3 at 147 (2010).

⁷ *Id.* (emphasis added).

⁸ According to the National Center for Educational Statistics, Anne Arundel County spent an average of \$16,789 per student in the 2019-2020 school year. See *District Directory Information*, National Center for Educational Statistics, United States Department of Education Institute for Educational Sciences, https://nces.ed.gov/ccd/districtsearch/district_detail.asp?ID2=2400060.

limited bedspace. RICA Rockville offers a residential treatment program (with limitations similar to RICA Baltimore) and a day program. The bill does address how students from areas such as Western Maryland, the Eastern Shore, or Southern Maryland would travel to the Rockville location daily for education if they did not meet the admission criteria for the residential programs at either location, nor is there any explanation as to which school district would be responsible for the associated cost of transportation and education. The educational program in Rockville is run by the Montgomery County Public Schools and focuses on re-entry and mainstreaming, an approach which this legislation directly contradicts.⁹

This bill fails to prevent the harm intended and instead of mitigating risks from those convicted of sexual offenses, may very well increase those risks.

* * *

For these reasons, the Maryland Office of the Public Defender respectfully urges an unfavorable report on Senate Bill 515.

⁹ *See Services*, John L. Gildner Regional Institute for Children and Adolescents, available at <https://health.maryland.gov/ilgrica/Pages/Services.aspx> (“Mainstreaming is a primary goal of JLG-RICA’s program. Mainstreaming prepares students for re-entry into their home schools, vocational programs, college, or other areas of continuing education.”).

SB515 Letter of Information 2.17.2021.pdf

Uploaded by: Berger, Kelly

Position: INFO



Testimony before the Senate Judicial Proceedings Committee

Senate Bill 515: Criminal Procedure – Registered Sex Offenders – Entry Onto School Property

****Letter of Information**** **February 17, 2021**

Board of Child Care provides community based behavioral health, therapeutic residential and special education services for youth and families from throughout Maryland. Although we believe that **Senate Bill 515:** Registered Sex Offenders – Entry Onto School Property is well intended, we have concerns about potential unintended consequences of this legislation and submit this letter of information for consideration.

Senate Bill 515 proposes specific restrictions that will limit how young people designated as sex offenders can be educated. Although alternative educational options are proposed, those options are inadequate and potentially inappropriate for those impacted.

Concerns of Note:

- Many non-public education programs – the non-public equivalent of RICA - serve young people with emotional disabilities that may include co-occurring offender histories, sexual reactivity, and often a history of sexual abuse. These young people receive not only education but also behavioral health treatment in these programs. Because some young people may receive educational services until age 21, it's possible a student may be on the sex offender registry. SB515 would require these youth be educated at RICA or through Home & Hospital.
- This well-intended legislation may result in young people being served unnecessarily outside of their home communities and/or at a higher level of care due to the limited scope of options for education provided.

By way of example, Board of Child Care's Strawbridge School provides Type I non-public special education services to young people through age 21 years old. As a Type I school, we provide educational services to young people with a variety of emotional and cognitive disabilities; this may include young people both registered and unregistered as adult and youth offenders.

From our years of experience, we know that this population can be served safely in programs like ours. It requires diligence on the part of the educational institution, as well as enhanced supervision protocols; these are typically embedded into the young person's IEP. The

majority of our student offenders have been young adults 18-21 years old with significant cognitive disabilities, extensive trauma histories and diagnosed emotional disabilities. For these youth, Strawbridge provides the only stable therapy these students receive as offender therapy is frequently unavailable in the community. SB515 would unintentionally disrupt educational programming and restrict access to therapeutic services available in the various special educational settings around the state for those who qualify.

Furthermore, youth who don't have an IEP would be forced to remain out of school entirely until being accepted to RICA. In most cases, Home and Hospital, provides 6 hours a week of instruction, 1/5th of what students get while in school. Additionally, Home and Hospital is a support only to be used for 60 consecutive days for Emotional Crisis and must be recommended by a psychiatrist or physiologist. Transition back to school is critical to planning for Home and Hospital Instruction.

In summary, Board of Child Care appreciates the intent of SB515 to keep students safe. However, we believe there are unintended consequences that may result in unnecessary educational disruption or limit access to important therapeutic services.

Submitted by:

Kelly Berger, LCSW-C
Vice President of Special Operations
Board of Child Care

2021 NASW SB 478 Senate Side.pdf

Uploaded by: Faulkner, Rachael

Position: INFO



February 10, 2021

Testimony in Support of SB478 - Correctional Services – Immigration Detention – Prohibition
(Dignity Not Detention Act)

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee:

NASW-MD urges you to support SB478, Dignity Not Detention Act, which bans any new contracts or renewals of existing contracts with detention facilities operated wholly (or in part) by private corporations; ensures that the public is adequately informed in any plans for a new private detention facility to take place; requires local entities that already have an existing immigration detention agreement (Intergovernmental Service Agreement (IGSA) to terminate the contract by June 2021. Last session the bill was introduced as SB850/HB677.

NASW is the largest national organization of social workers representing over 120,000 social workers and over 16,000 of those are licensed here in the state of Maryland. The primary mission of the social work profession is to enhance human well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed, and living in poverty. Our nation's undocumented immigrant population is an oppressed and marginalized population that needs relief from the structural problems in our immigration system.

We must start by ending our most egregious acts of systemic violence; the taking away of people's right to be free. Our nation's excessive use of detention is detrimental to immigrants, their families, and our society as a whole. It contributes to a society where we are more likely to "lock them up" than "lift them up." It creates a terrorizing environment for immigrants and undermines our fundamental job as a community to care for one another. Maryland does not need to be complicit with these practices and should not allow Immigration and Customs Enforcement (ICE) to have detention centers here.

We suggest that instead of detaining immigrants and costing taxpayers millions of dollars, we should provide support and case management to immigrants. Some of the alternatives to detention include regulated and mandated check-ins with law enforcement, communication with authorities by telephone, linking families to community-based psychosocial services, or electronic monitoring of some individuals. Studies show that asylum seekers are very compliant in appearing for their immigration court hearings and that these services can be provided at a fraction of the cost of detention. Alternatives to detention cost only around \$5 or \$6 per person versus the \$118 or more it costs to detain someone every day. More importantly, alternative programs do not result in detaining very small children, taking children away from their parents, or implementing policies that violate basic American values.

The State of Maryland should lead the way in standing up to tyranny, violence, racism, and bigotry that is imbedded in our immigration detention system. Social workers will support you every step of the way. Please pass SB 478 with no amendments.

Sincerely,

Daphne McClellan, Ph.D., MSW
Executive Director, NASW-MD

5750 Executive Drive, Suite 100, Baltimore, MD 21228
(410) 788-1066 · FAX (410) 747-0635 · nasw.md@verizon.net · www.nasw-md.org

MANSEF Letter of Information SB515 (HB48).pdf

Uploaded by: Flynn, Dorie

Position: INFO



Letter of Information

SB 515 and HB 48

On behalf of the nonpublic special education schools serving students with special needs, MANSEF submits the following Letter of Information.

The Maryland Association of Nonpublic Special Education Facilities (MANSEF) represents 70 nonpublic special education schools across Maryland. MANSEF members currently serve approximately 3800 publicly funded school children and employs over 2500 teachers, clinicians and administrators. All of the students we serve have an Individualized Education Plan (IEP).

Our member schools are approved by the Maryland State Department of Education under COMAR 13A.09.10. Our programs are part of the continuum of educational options as prescribed by the federal *Individuals with Disabilities Education Act* (IDEA – Sec 300.115). Maryland offers a wide array of schooling from home schooling, public separate day, private day and residential programs, nonpublic special education schools as well as alternative schools. (See MD. Code Ann., Ed Art 7-304)

Central to our mission is to serve students who cannot otherwise be served at their local public school for a myriad of reasons be it instructional, social/emotional or behavioral. As currently proposed, this bill will restrict our ability to serve students who may have been placed on the Sexual Offender Registry but desperately need our unique and specialized services. In fact, some of our programs have established trauma-informed approaches specifically for students who have sex trafficking in their histories. Our members support the intent of the bill which we believe is to uphold the safety of students with the utmost importance.

Certainly, the incident at Parkville Senior High was extremely unfortunate and had a devastating impact felt by many. We want to ensure members of the general assembly that our schools follow procedures from the time of admissions and throughout the students' time of enrollment to protect the safety of the school community. Restricting the options to either 1) Home and Hospital or 2) placement in one of the RICA's seems to counter the need for some of these very students to best be served within one of the nonpublic special education schools.

For further information please contact – Dorie Flynn, Executive Director of MANSEF at 410-938-4413 or mansef@aol.com