

SenatorBailey_FAV_SB333.pdf

Uploaded by: Bailey, Jack

Position: FAV

JACK BAILEY
Legislative District 29
Calvert and St. Mary's Counties

Judicial Proceedings Committee



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Jack.Bailey@senate.state.md.us

District Office
Dorsey Professional Park
23680 Three Notch Road, Unit 101
Hollywood, Maryland 20636
240-309-4238

February 4, 2021

Senate Bill 333 – Criminal Procedure – Sexual Offenders – Lifetime Supervision

Dear Chairman Smith and Members of the Committee:

I am writing to introduce Senate Bill 333 – Criminal Procedure - Sexual Offenders - Lifetime Supervision. Senate Bill 333 would require more convicted sexual offenders to be placed under lifetime supervision. This bill requires a term of lifetime supervision for individuals convicted of sexual abuse of a minor regardless of the minor's age. Senate Bill 333 also adds all circumstances of second-degree sexual offense and attempted second-degree sexual offense as those crimes existed before October 1, 2017 as crimes that require lifetime supervision.

This bill is narrowly targeted to protect Marylanders from a relatively small but significant number of offenders who have committed these very serious crimes. Under current Maryland law, only some offenders who sexually abuse minors are placed under lifetime supervision. The existing statute only requires lifetime supervision for a parent, another person who has permanent or temporary care or custody or responsibility for the supervision of a minor, a household member, or a family member who causes sexual abuse to a minor if the minor is under the age of 12. This requirement should extend to those who commit this offense against a minor of any age. By requiring lifetime supervision for these offenders, Senate Bill 333 protects our State from offenders who have already been convicted of these crimes and provides needed protections to reduce the number of repeat offenses.

This bill is prospective and does not apply to any conviction before the bill's effective date. I respectfully request a favorable report on Senate Bill 333. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bailey".

Senator Jack Bailey
District 29
Calvert and St. Mary's Counties

SB0333- Criminal Procedure - Sexual Offenders- Lif

Uploaded by: Barnes, Pamela

Position: FAV

SB0333- Criminal Procedure - Sexual Offenders- Lifetime Supervision- Support

Pamela Barnes
22942 Arora Hills Drive
Clarksburg, MD 20871

Senator Smith,

I am writing in full support of SB0333, as this bill would expand the probation term for anyone convicted of Sexual Abuse of a minor to lifetime supervision. Pedophilia is a sexual preference that harms its victims for the rest of their lives. It is imperative we do everything necessary as a society to prevent convicted predators from preying on children again. I believe SB0333 will enable probation officers to assess risk factors and guide abusers away from having the opportunity to harm another child.

Studies show that 20% of child sexual abusers have between 10 to 40 victims. Even though sex crimes are one of the most under-reported crimes (only 12% of child sexual abuse is reported), we also know that follow up studies show the rate of recidivism of sexual offenders INCREASES drastically after 5 years.

A Harvard study has claimed that pedophilia has no effective treatment. The study concludes, "While rehabilitation efforts have included decreasing sexual arousal or increasing the ability to manage that arousal, the only effective way to reduce harm is preventing access to children or PROVIDING CLOSE SUPERVISION."

Sexual predators can oftentimes be very manipulative and cunning. They can gain the trust of parents, co-workers, family, and friends by dismissing their crimes as a "misunderstanding" or one-time occurrence that will not happen again. Because of this, a probation officer may be the only person placing limits between a child and an abuser.

I took the time to review some cases on the Maryland Sex Registry List. As a mother, I was heartbroken at what I found. At least a third of the cases that I reviewed involved children. Even more heartbreaking is that a lot of them had another case that occurred after their probation period had ended.

I cannot stress enough how sexual abuse affects a child. While there may be a tendency to think of how this bill may affect the abusers, the most important factor to remember is how this bill will protect a child victim. Children who are abused are 4 times more likely to become drug abusers. They are 4 times more likely to have PTSD as adults. They are also 3 times more likely to have depressive episodes as adults. The lifetime burden cost of child sexual abuse is \$210,012 per victim. That makes sexual abuse a higher financial burden for the victim than major health conditions, like for example, diabetes.

I will end this letter on one last note. People who rape and harm children should not be left unsupervised in our communities. They should not be allowed opportunities to do more harm. They should be, at the very least, under supervision for the rest of their lives.

Sincerely,

Pamela Barnes

final sb333-SABraveboy.pdf

Uploaded by: Braveboy, Aisha

Position: FAV

AISHA N. BRAVEBOY
STATE'S ATTORNEY



JASON B. ABBOTT
PRINCIPAL DEPUTY STATE'S ATTORNEY

State's Attorney for Prince George's County
14735 Main Street, Suite M3403
Upper Marlboro, Maryland 20772
301-952-3500

Maryland General Assembly
Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

Re: Favorable Report for Senate Bill 333

Dear Chairman William Smith and Members of the Committee:

According to the Center for Disease Control and Prevention 1 in 4 women and 1 in 33 men will be sexually abused in their lifetime. However only 6 out of every 1000 rapists will ever be sent to prison. (Rainn.org).

The Bureau of Justice Statistics have found that released sexual offenders were four times more likely to be rearrested for a sex crime than any other group of offenders. However, the percentage for reoffending drops when an individual is on supervision. For example, 79% of violent offenders reoffend within 6 years compared to 43% within 5 years of offenders on supervision. This is what we are trying to change. We want to reduce the number of sexual offenders who reoffend, and we want to reduce the number of victims of sexual assault.

However, we are failing to protect a category of victims at this time. Under Criminal Procedure Section 11-723, as it currently reads, Lifetime Sexual Offender Supervision is only available in cases of Sexual Abuse of a Minor if the victim is 12 or younger. Further, although the Legislature determined in 2017 that there was no legal difference between Second Degree Rape and Second Degree Sexual Assault, Criminal Procedure Section 11-723 still categorizes them differently. As the statute reads now Lifetime Sexual Offender Supervision is available for any second degree rape, but is only available for two categories of Second Degree Sexual Assault. This is clearly not what this legislative body intended in 2017. Victims of unconsented anal penetration, fellatio, cunnilingus and digital penetration should be treated the same and provided the same protections as victims of unconsented vaginal intercourse.

Thank you for your time and deliberation on this bill, and I urge a favorable report


Aisha N. Braveboy

SB0333.pdf

Uploaded by: Canning, Mariam

Position: FAV

SB0333 - Criminal Procedure - Sexual Offenders - Lifetime Supervision - SUPPORT

Mariam Canning

1311 Neptune LN Huntingtown, MD 20639

Senator Smith,

I am writing in full support of SB0333, as this bill would expand the probation term for anyone convicted of Sexual Abuse of a Minor to lifetime supervision. Currently, offenders convicted of this crime become Tier III Registered Sex Offenders for life, however they are only on probation for 5 years. The Sex Offender Registry itself is primarily a directory of information, with limited actual restrictions. Additional restrictions such as no unmonitored contact with minors, mandatory therapy, or drug testing, are only available through probation. Having only a 5 year probationary term for these types of offenders leaves many years in which an offender is still required to be on the Sex Offender Registry, but is not also under the supervision and monitoring of a Probation Officer. It is well documented that there is no "cure" for pedophilia. If a person has been previously convicted of abusing a child then they have proved to be a danger to our community. Let's not ask how this affects the criminal, but how this will protect our children.

SB0333 is necessary in order to better protect the community, especially children, from already convicted offenders and reduce the number of repeat offenses.

Sincerely,

Mariam R. Canning

SB333 Written testimony.pdf

Uploaded by: Carpenter, Lindsey

Position: FAV



J. CHARLES SMITH, III
STATE'S ATTORNEY

CIRCUIT COURT DIVISION
301-600-1523

DISTRICT COURT DIVISION
301-600-2573

CHILD SUPPORT DIVISION
301-600-1538

JUVENILE DIVISION
301-600-2980

STATE'S ATTORNEY'S OFFICE

KIRSTEN N. BROWN
DEPUTY STATE'S ATTORNEY

County Courthouse
100 West Patrick Street
Frederick, Maryland 21701

www.statesattorney.us

DATE: February 2, 2021

BILL NUMBER: SB 333

POSITION: Favorable

The Frederick County State's Attorney's Office supports SB 333.

SB 333 allows for lifetime supervision of a convicted sexual offender who is currently subject to lifetime registration. Currently, under the sex offender registration statute, a convicted sex offender is subject to lifetime registration for Second Degree Sexual Offense (CR 3-306 prior to October 1, 2017) and Sexual Abuse of a Minor (CR 3-602). However, those same convicted offenders would only be subject to lifetime supervision if they were convicted of Sexual Abuse of a Minor and the victim was under the age of 12 years old at the time the offense was committed.

SB 333 recognizes that individuals who are subject to lifetime sex offender registration due to the severity of the sexual offense they have committed should also be subject to lifetime supervision. While the sex offender registry is a necessary and beneficial tool, lifetime supervision offers additional protections to ensure that individuals in the State of Maryland are protected from sexual predators. For example, special conditions of lifetime supervision can include restricting a person from obtaining employment that would bring them into contact with minors, random computer checks for sexual activity with minors, and prohibiting a person from contacting the victim or another category of individuals (such as minor children).

An individual charged with Sexual Abuse of a Minor is subject to lifetime registration regardless of the victim's age. How is it that an individual who sexually abuses an 11 year old victim would be subject to lifetime supervision, but an individual who sexually abuses a 12 year old victim would not? Sexual Abuse of a Minor is a particularly heinous crime in that the offender must have a familial or custodial relationship with the victim. These offenders take advantage of the nature of that relationship and exploit the inherent trust that exists due to that relationship, making them even more predatory.

SB 333 would provide the Court with an additional tool to ensure that the citizens of Maryland are protected from sexual offenders. For these reasons, the Frederick County State's Attorney's Office requests a favorable report on SB 333.

Lindsey M. Carpenter
Assistant State's Attorney
For Frederick County

S SB0333.pdf

Uploaded by: Christensen, Jamie

Position: FAV

Randall S Christensen
155 M F Bowen Rd
Huntingtown MD 20639

Senator Smith,

I am writing in support of SB0333, as this bill would expand the probation term for anyone convicted of Sexual Abuse of a Minor to lifetime supervision. Currently, offenders convicted of this crime become Tier III Registered Sex Offenders for life, however they are only on probation for 5 years. The Sex Offender Registry itself is primarily a directory of information, with limited actual restrictions. Additional restrictions such as no unmonitored contact with minors, mandatory therapy, or drug testing, are only available through probation. Having only a 5 year probationary term for these types of offenders leaves many years in which an offender is still required to be on the Sex Offender Registry, but is not also under the supervision and monitoring of a Probation Officer.

SB0333 is necessary in order to better protect the community, especially children, from already convicted offenders and reduce the number of repeat offenses.

Sincerely,

Randall S Christensen

SB0333.pdf

Uploaded by: Christensen, Jamie

Position: FAV

Jamie Christensen

155 M F Bowen Rd

Huntingtown, MD 20639

Senator Smith,

I am writing in support of SB0333, as this bill would expand the probation term for anyone convicted of Sexual Abuse of a Minor to lifetime supervision. Currently, offenders convicted of this crime become Tier III Registered Sex Offenders for life, however they are only on probation for 5 years. The Sex Offender Registry itself is primarily a directory of information, with limited actual restrictions. Additional restrictions such as no unmonitored contact with minors, mandatory therapy, or drug testing, are only available through probation. Having only a 5 year probationary term for these types of offenders leaves many years in which an offender is still required to be on the Sex Offender Registry, but is not also under the supervision and monitoring of a Probation Officer.

SB0333 is necessary in order to better protect the community, especially children, from already convicted offenders and reduce the number of repeat offenses.

Sincerely,

Jamie Christensen

SB0333 SUPPORT.pdf

Uploaded by: Kazimer, Angela

Position: FAV

SB0333 - Criminal Procedure - Sexual Offenders - Lifetime
Supervision - SUPPORT

Angela Kazimer

35740 Golf Course Drive

Mechanicsville, MD 20659

Senator Smith,

I am writing in support of SB0333, as this bill would expand the probation term for anyone convicted of Sexual Abuse of a Minor to lifetime supervision. Currently, offenders convicted of this crime become Tier III Registered Sex Offenders for life, however they are only on probation for 5 years. The Sex Offender Registry itself is primarily a directory of information, with limited actual restrictions. Additional restrictions such as no unmonitored contact with minors, mandatory therapy, or drug testing, are only available through probation. Having only a 5 year probationary term for these types of offenders leaves many years in which an offender is still required to be on the Sex Offender Registry, but is not also under the supervision and monitoring of a Probation Officer.

SB0333 is necessary in order to better protect the community, especially children, from already convicted offenders and reduce the number of repeat offenses.

Sincerely,

Angela Kazimer

SB333 - Sexual Offenders - Lifetime Supervision.pdf

Uploaded by: League, Women's Democratic

Position: FAV

Board of Directors, Officers:

Mari Lee, President
Sam Van Rens, Treasurer
Renee Knapp, Secretary
Taroyn Thrasher, Communications Dir.



Board of Directors:

Shelly Beaird-Francois
Rosario Campos
Melanie Galloway
Maureen Grayzeck
Tami McNulty
Tiger Waddell
Lara Westdorp

SUPPORT – SB333
Sexual Offenders – Lifetime Supervision
Senate Judicial Proceedings Committee
27 January 2021

Dear Chairman Bailey and Committee members,

The Women’s Democratic League of Frederick County (WDL) asks for your support of SB333.

The General Assembly revised the sexual assault statutes in 2017, and under the current law, Lifetime Sexual Offender Supervision is available for any person who has been convicted of second degree rape, but is only available for two categories of second degree sexual assault. **SB333 intends to protect women and children from repeat sexual offenders.**

For over 97 years, the WDL has championed equality and continues those efforts to this day. This proposed bill will correct offenders’ unequal treatment, which we believe was unintended, and provide appropriate protection for victims. It will require a sentence for certain persons convicted of certain sexual abuse crimes involving a child over the age of 12 years to include a term of lifetime sexual offender supervision.

In the interest of the children and women affected by sexual predators,

we urge you to support the passage of SB

SB0333.pdf

Uploaded by: midgett, stephanie

Position: FAV

SB0333 - Criminal Procedure - Sexual Offenders - Lifetime Supervision -
SUPPORT

Stephanie Midgett

27057 Glenn CT Mechanicsville md 20659

Senator Smith,

I am writing in support of SB0333, as this bill would expand the probation term for anyone convicted of Sexual Abuse of a Minor to lifetime supervision. Currently, offenders convicted of this crime become Tier III Registered Sex Offenders for life, however they are only on probation for 5 years. The Sex Offender Registry itself is primarily a directory of information, with limited actual restrictions. Additional restrictions such as no unmonitored contact with minors, mandatory therapy, or drug testing, are only available through probation. Having only a 5 -year probationary term for these types of offenders leaves many years in which an offender is still required to be on the Sex Offender Registry but is not also under the supervision and monitoring of a Probation Officer. We recently had a local offender who was on probation offend again. What if he wasn't still on probation? Would he have even been arrested? Molestation with someone outside of their normal household has a 10% chance of conviction if there was no penetration. I was told this by a St.Marys county detective. That is disgusting that a man can touch, my child, your child or any child inappropriately cause them to have nightmares, anxiety, depression, self-harming behavior and our justice system basically says its ok for them to do. Something needs to change to protect the innocence of our children.

SB0333 is necessary in order to better protect the community, especially children, from already convicted offenders and reduce the number of repeat offenses.

Sincerely,

Stephanie Midgett

SB 333 - FAV - LOS.pdf

Uploaded by: Patashnick, Gavin

Position: FAV



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Brian DeLeonardo
President

Steven I. Kroll
Coordinator

DATE: February 4, 2021

BILL NUMBER: SB 333

POSITION: Support

The Maryland State's Attorney's Association (MSAA) supports SB 333.

SB 333 expands the universe of sexual offenders who would be subject to lifetime supervision pursuant to Criminal Procedure Article, § 11-723 to include individuals convicted of sexual offense in the 1st degree (pre-2017) involving children and child sex abuse encompassing all minors.

These modifications are a welcome tool to ensure violent sexual offenders are maintained by the Department of Public Safety and Correctional Services (DPSCS) in a responsible manner. According to the Department of Justice Bureau of Justice Statistics, child sex offender recidivists are more likely to prey upon children younger than 13 years of age. Lifetime supervision includes monitoring methodologies, sensible restrictions from children and treatment options. By including those who are convicted of felony offenses involving the molesting of all children into the populations subject to these important measures, this legislation offers needed protections to assure that any recidivism against vulnerable populations are remediated.

This legislation provides common sense alterations to the lifetime supervision system which will undoubtedly enhance public safety and protect vulnerable populations.

For these reasons the MSAA requests a favorable report on SB 333.

sb333.pdf

Uploaded by: Robey, Natasha

Position: FAV

SB0333 - Criminal Procedure - Sexual Offenders - Lifetime Supervision - SUPPORT

Natasha Melissa Robey
11235 Dancer Court
Lusby, MD 20657
Childcarebymelissa@hotmail.com
240-256-0834

Senator Smith,

I am writing in support of SB0333, as this bill would expand the probation term for anyone convicted of Sexual Abuse of a Minor to lifetime supervision. Currently, offenders convicted of this crime become Tier III Registered Sex Offenders for life, however they are only on probation for 5 years. The Sex Offender Registry itself is primarily a directory of information, with limited actual restrictions. Additional restrictions such as no unmonitored contact with minors, mandatory therapy, or drug testing, are only available through probation. Having only a 5 year probationary term for these types of offenders leaves many years in which an offender is still required to be on the Sex Offender Registry, but is not also under the supervision and monitoring of a Probation Officer.

SB0333 is necessary in order to better protect the community, especially children, from already convicted offenders and reduce the number of repeat offenses.

Sincerely,

Natasha Melissa Robey
Licensed Childcare Provider and Educator
MSDE OCC #256920

SO - Lifetime supervision expansion - senate testi

Uploaded by: Jordan, Lisae C

Position: FWA



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
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For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Supporting Senate Bill 333 with Amendments
Lisae C. Jordan, Executive Director & Counsel
February 4, 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 333 with Amendments.

Senate Bill 333 -- Expansion of Mandatory Lifetime Supervision of Sex Offenders

This bill expands the sex offenders subject to mandatory lifetime supervision by adding the age-based sex offenses in Criminal Law §3-306 (victim under 13 and offender over 18) and by expanding lifetime supervision to all offenders convicted of sexual abuse of minor under §3-602.

MCASA notes that lifetime supervision is an important tool in preventing sexual assaults committed by convicted sex offenders. It is a tool that requires substantial resources and, although there is no immediate cost, the fiscal note notes that future costs may be substantial and include \$75,000 just for needed agents. In an era of difficult budgetary pressures, and keeping in mind that 64% of victim services providers faced cuts to Victim of Crime Act funds from the State between 2019 and 2020, MCASA respectfully suggests that the Committee approach expansion of lifetime supervision conservatively and permit rather than require lifetime supervision, particularly in cases involving sexual abuse of a minor involving older minors. We note that these cases can involve babysitters close in age to the victim, extracurricular instructors or coaches close in age to the victim, etc. While we condemn the action of these offenders, we also note that it may be appropriate to provide the courts with some discretion. We also note that the courts currently have this type of discretion after convictions under §3-307(a)(1) and (2); these cases involve actions such as suffocation, strangulation, disfigurement, and dangerous weapons. If we trust courts with discretion in those situations, it also seems appropriate to include discretion in the expansion contemplated under Senate Bill 333.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 333 with Amendments**

OPD Written Testimony for SB 333.pdf

Uploaded by: Gross, Michal

Position: UNF



POSITION ON PROPOSED LEGISLATION

BILL: SB 333- Criminal Procedure – Sexual Offenders – Lifetime Supervision

POSITION: Unfavorable

DATE: February 2, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 333.

Sex offender registries not only fail to promote public safety, but also come at an extreme cost both to individual registrants and to the community. SB 333 is not only ineffective but also ill-advised from both a public safety and a public policy standpoint.

Those convicted or accused of sexual offenses are some of the least likely to recidivate, yet face the most severe restrictions on their liberty following the completion of their sentences because of the registration requirements. This comes at great cost to both individual registrants (who face a lifetime of punishment on the sex offender registry) and the community, which must bear the costs of increased unemployment, homelessness, and other issues that come with the unnecessary, permanent social ostracization of this group. A 2019 Bureau of Justice Statistics report confirms that, within 9 years of release, less than 67% of people convicted of sexual assault were rearrested for any offense, making rearrest **20% less likely** for this group than all other offense categories combined (84%).¹ The same study also found that those convicted of rape or sexual assault were drastically less likely than other former offenders to commit the same crime again following release (7.7% as compared to 24% for property crimes, 18.5% for drug-related crimes, and 59% for “public order” crimes). Studies also show that juveniles convicted of sexual offenses do not have an elevated risk of committing new sex crimes as compared with other juvenile offenders (a 2007 study revealed that just 17 sex offenders were charged with a new sex offense as compared with 101 non-sex offenders).²

The restrictions and requirements of sex offender registration come at immense cost to individual registrants, law enforcement, and the community with minimal return. Many of those convicted of sex offenses are barred from accessing public benefits, jobs, housing, services, and even many shelters, and thus are funneled into low-income neighborhoods or outright homelessness. Sex offender registries must also be monitored and maintained

¹ Wendy Sawyer, *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 *Id.*

For further information please contact Cynthia Frezzo and Michal Gross, Assistant Public Defenders and subject matter experts, at cynthia.frezza@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.

at great cost to the state and to law enforcement. Registration requires in-person check-ins, oversight of social media, electronic mail, home visits and verifications, vehicle registration and monitoring, electronic database maintenance, facilitation of public access to certain records, and much more. A 2009 study estimated that the cost to Maryland for first-year implementation and compliance with the Sex Offender Registration and Notification Act, a federal law setting baseline requirements for statewide registry systems, was \$9.1 million.³ The registry does little (if anything) to prevent or treat the underlying causes of interpersonal violence, sexual abuse, and sexual assault. It comes at exorbitant cost to both law enforcement and the community. Sex offender registries are thus ineffective and ill-advised, from both a public safety and public policy standpoint.

These registries are sold as a preventive tool; however, most sex offenses are committed by first-time offenders who are not on the registry. Obviously, the existence of the registry does nothing to prevent those crimes. A 2018 study examining the effect of Megan's Law in New Jersey concluded that legislation imposing registration “does not have a demonstrable effect on future offending.”⁴ A New York study similarly found no evidence that registration and notification laws were effective at reducing future sex crimes.⁵ A South Carolina study funded by the Department of Justice came to the same conclusion.⁶ Registration laws can actually make communities *less* safe in a variety of ways. Sex offender notification laws have been shown to increase recidivism among some sex offenders.⁷ Even for the vast majority of registrants who never commit another sex offense, the onerous restrictions described above impede stability, rehabilitation, and full reintegration into society, making them more likely to commit offenses related to survival. Finally, registration and notification laws put registrants at severe risk of becoming victims of vigilante violence and even murder.⁸

In addition to the general harms of sex offender registries, this legislation would also unnecessarily expand the punitive scope of lifetime registration to categories of convictions that were intentionally excluded. Lifetime registration is already required for those convicted of first and second degree rape, and for sexual abuse of a minor when the victim is under 12 years old. The proposed legislation would require lifetime registration for someone convicted of sexual abuse of a minor regardless of that minor's age. This would expand the universe of people required to register for life to include a 19 ½ year old who engaged in a sexual act with a 15 year old if the two resided in the same

³ Justice Policy Institute, available at http://www.justicepolicy.org/images/upload/08-08_fac_sornacosts_jj.pdf.

⁴ Kristen M. Zgoba, Wesley G. Jennings & Laura M. Salerno, *Megan's Law 20 Years Later: An Empirical Analysis and Policy Review*, 45 CRIM. JUST. & BEHAV. 1028, 1044 (2018).

⁵ See Jeffrey C. Sandler, Naomi J. Freeman & Kelly M. Socia, *Does a Watched Pot Boil?: A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law*, 14 PSYCH. PUB. POL'Y & L. 284, 284 (2008).

⁶ Elizabeth J. Letourneau et al., *Evaluating the Effectiveness of Sex Offender Registration and Notification Policies for Reducing Sexual Violence against Women*, Med. U. S.C., at 3-4 (Sept. 2010).

⁷ J.J. Prescott & Jonah E. Rockoff, *Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?*, 54 J.L. & Econ. 161, 192 (2011).

⁸ Rob Csernyik, *How Sex Offender Registries Can Result in Vigilante Murder*, VICE, March 28, 2018, available at <https://www.vice.com/en/article/ne9ew7/how-sex-offender-registries-can-result-in-vigilante-murder>.

household. The proposed legislation would also require lifetime registration for what is colloquially referred to as statutory rape. Prior to being repealed and incorporated into Criminal Law 3-304 in 2017, Criminal Law 3-306(a)(3) prohibited a person from engaging in a sexual act with someone below the age of 14 if there was an age difference greater than 4 years. In a situation where, for example, a 13 year old performed fellatio on a 17 ½ year old, once convicted that 17 ½ year old would be required to remain on the sex offender registry for the remainder of his life if this bill became law – even if the 13 year old led him to believe she was 15 or 16 years old prior to engaging in the sexual act.

As public defenders, we have witnessed the lasting harms of the sex offender registry. Our office represented a man who had consensual sexual intercourse with a 13 year old when he was still a young adult. He pled guilty to 3rd degree sex offense and although he served a relatively short sentence, he was required to register as a sex offender for life. Once convicted, he could no longer reside with his family and struggled to find permanent housing. His status on the registry prevented him from working in his chosen field, even though that field required no contact with children. It also prohibited him from seeing his two children perform in the school play. More than a decade after he finished serving his sentence, he died alone in a motel of a heroin overdose.

Maryland's registration statute also criminalizes and punishes what should otherwise be considered reform-minded and productive behavior in society. Take, for example, the case of William.⁹ William pled and was convicted of a third degree sexual offense which, unbeknownst to him at the time, resulted in lifetime registry as a Tier III offender. William completed a lengthy prison sentence, successfully completed a five-year term of sex offender probation (which included polygraph examinations, a year-long treatment course, and very stringent reporting requirements), and started a new life. He got a job, started a family, and got a house. He did all of the things that society would strive and demand someone achieve after satisfying the punitive aspect of a sentence.

He also started registering as a sex offender. He would check in with the police every six months, as mandated by law. Over the course of 15 years, he never missed a date: never failed to report a new car, an email address, a social media account--all of the myriad requirements that are demanded of this group. Then, one day, he got a call from his children's school, asking if he would attend a meeting regarding his daughter's academic progress. His daughter had been struggling, but of late was earning straight A's, and the teaching staff wanted to take the moment to commend her achievement while also planning for the future. William was proud, and excited to attend. On the day of the meeting, he arrived early, showed and scanned his ID at the front door, and was welcomed into the meeting. Then, within a few minutes, a man came in and told him he needed to leave. "There are certain laws," the man said, that prevented his participation in the meeting, despite his invitation to the same. William made one mistake--one mistake in 15 years--and because of that, he was charged, prosecuted, and faced a three-year maximum penalty for violating Maryland's registration laws: for doing everything we would

⁹ All names and other identifying information have been changed to protect the parties' privacy.

want a good parent to do. Suddenly, everything was at risk again, his job, his home, and access to his family.

We mention William's case, not because it is an anomaly, but because it is the norm. The registration statute is overbroad, overpunitive, and overreaching. This is why we oppose SB 333 and any effort to expand it, because people like William deserve to be good parents to their children, and to be productive members of society.

* * *

For these reasons, the Maryland Office of the Public Defender respectfully urges an unfavorable report on Senate Bill 333.