

Unfavorable Response to HB-606

Criminal Procedure – Registered Sex Offenders – Residency Restrictions

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. Although it is clear that the sponsor has attempted to make some changes over last year's bill, FAIR still has multiple, serious reservations about HB-606, as it still place unneeded and unworkable burdens on both registrants and law enforcement.

Based on Misconceptions

"Stranger danger" is exceedingly rare, contradicting the common stereotypes. Over 90% of minors are abused by someone they know and should be able to trust.¹ Residency laws will have no impact in those cases. Assumptions of high recidivism rates are also erroneous. ([Appendix B](#)) The very tiny number of mentally-unstable persons who are determined to cause harm will try to do so regardless of where they sleep at night.

Even Maryland's DPSCS supports these views. In their FAQ, they address residency restrictions, stating that an offender "is very unlikely to be a stranger" based on USDOJ research. See question #15 on the FAQ page linked below.²

Redundancy

Supervision restrictions are already tailored to the actual crime, restricting people from their victims or from children in general as appropriate. Such restrictions last as long as Parole and Probation feels it is needed. After a few years ([Appendix B](#)), risk goes down to a baseline comparable to non-offenders, even for the highest-risk registrant.

Vague Language

The language marking off-limits areas is vague and open to wide interpretation. Even designated school bus stops are generally unmarked, and thus hard for someone to quickly locate (e.g. while house- or apartment-hunting). "Child care facility" could include not only marked buildings, but home day cares which change constantly and have no visible markings. A "school" could be a building or a home school program. Parks can be tiny corner lots with a bench, or massive recreation areas. A "place where children regularly congregate" is the most vague. Is a friendly kid's backyard such a place? Churches, synagogues, and temples with youth programs are such places.

Difficult and Expensive to Enforce

Law enforcement would have to spend massive resources trying to maintain list of off-limit zones and making them available to registrants. A 2006 law prohibiting residence near bus stops was struck down in Georgia because it was impossible to enforce.³ When other states implemented these restrictions, there was an almost immediate and obvious uptick in persons either reporting homelessness or simply no longer registering, rendering tracking more difficult.

The sponsor's attempt to apply these restrictions only to persons with offenses against persons under age 18, where the offender was 21 years and older is better than the previous bill's broad brush, but introduces a serious headache for law enforcement staff who must find a way to pull this data out of the database and somehow flag it.

Additionally, once this sub-group is identified, notification should be given to all that while they are "grandfathered" in their current dwellings, any move will necessitate a check for potential violations. This requirement is not currently in the bill, but notifying someone after they secure a new address is waiting too long, since a lease will have been signed or a home purchased by that time.

Adverse Effect on Public Safety

The registry would lose what little value it may have due to homelessness and transience. Impeded reintegration has been shown to increase the risk of re-offending. Since there is no evidence that residence restrictions are effective in achieving goals of improved community safety, the unintended effects likely outweigh any benefits.

Unhelpful Challenges for Returning Citizens

As seen in the maps in Appendix A, people will be restricted from entire communities. These sample maps are already dense with proposed restriction zones with only schools and parks marked. Returning citizens would have *nowhere* to live except rural areas far from services, transportation, employment options, and supportive family, creating unnecessary challenges for both the returning citizen and the state. A growing body of evidence shows residence restrictions create adverse consequences for registrants and their families such as homelessness, transience, and inaccessibility to social support, employment, and rehabilitative services.

Violates Maryland Constitution

Last but certainly not least, FAIR wishes to note that our registration laws have already been declared punitive and thus cannot be applied retroactively. Banishment is quite an extreme form of punishment, and as soon as anyone with a prior conviction is prevented from moving to a new home, that banishment could be challenged in court.

Summary

We have put forth solid reasons that residency restrictions offer no value for prevention of sexual violence or recidivism and indeed cause more negative consequences on the registrant, society, and the state. For these reasons, we urge an unfavorable response to HB606.

Sincerely,

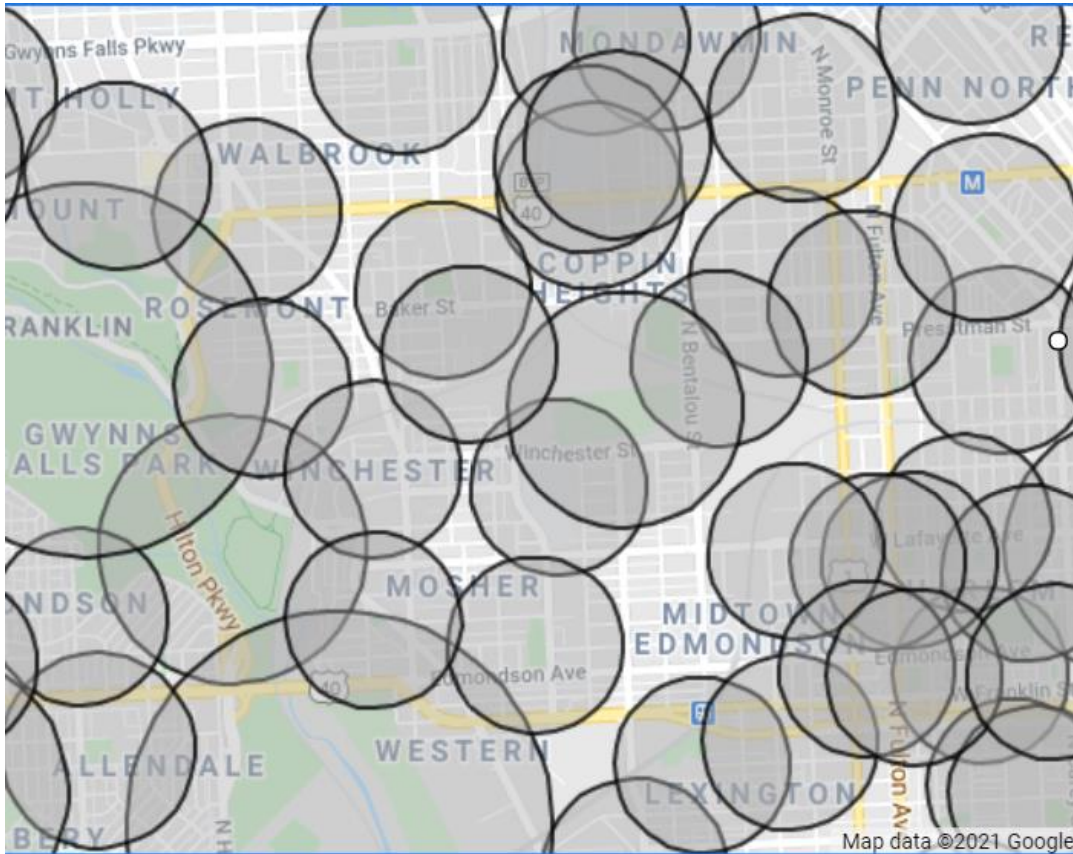


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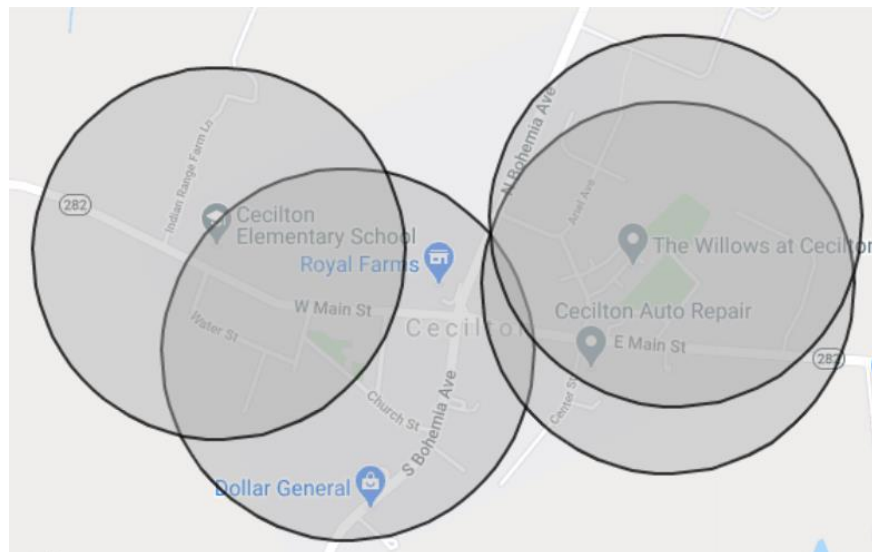
References

- ¹ <https://www.rainn.org/statistics/perpetrators-sexual-violence>
- ² https://www.dpsc.state.md.us/onlineservs/sor/frequently_asked_questions.shtml
- ³ <https://www.prisonlegalnews.org/news/2011/mar/15/georgia-eases-sex-offender-restrictions-in-face-of-federal-court-challenge/>

APPENDIX A - MAPS



A portion of Baltimore showing approximately 1000 feet around only the visible schools, parks, and youth facilities. Day cares, bus stops, or “places children gather” are not included.



Map of tiny Cecilton, Maryland, again showing exclusion zones only around the school and visible parks.

Appendix B

Declaration of Dr. R. Karl Hanson.

United States District Court for the Northern District of California. Civil Case No. C 12 5713. Filed 11-7-12

Selection:

I, R. Karl Hanson, declare as follows:

I am a Senior Research Scientist at Public Safety Canada. Throughout my career, **I have studied recidivism, with a focus on sex offenders.** I discuss in this declaration key findings and conclusions of research scientists, including myself, regarding recidivism rates of the general offender population and sex offenders in particular. **The information in this declaration is based upon my personal knowledge and on sources of the type which researchers in my field would rely upon in their work.** If called upon to testify, I could and would competently testify thereto.

Summary of Declaration:

My research on recidivism shows the following:

- 1) **Recidivism rates are not uniform across all sex offenders.** Risk of re-offending varies based on well-known factors and can be reliably predicted by widely used risk assessment tools such as the Static-99 and Static-99R, which are used to classify offenders into various risk levels.
- 2) **Once convicted, most sexual offenders are never re-convicted of another sexual offence.**
- 3) **First-time** sexual offenders are significantly **less likely** to sexually re-offend than are those with previous sexual convictions.
- 4) Contrary to the popular notion that sexual offenders remain at risk of reoffending through their lifespan, **the longer offenders remain offence-free in the community, the less likely they are to re-offend sexually.** Eventually, they are less likely to re-offend than a non-sexual offender is to commit an "out of the blue" sexual offence.
 - a) Offenders who are classified as low-risk by Static-99R pose no more risk of recidivism than do individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
 - b) After 10 - 14 years in the community without committing a sex offense, medium-risk offenders pose no more risk of recidivism than Individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
 - c) After 17 years without a new arrest for a sex-related offense, high-risk offenders pose no more risk of committing a new sex offense than do individuals who have never been arrested for a sex related offense but have been arrested for some other crime.
- 5) Based on my research, my colleagues and I recommend that rather than considering all sexual offenders as continuous, lifelong threats, **society will be better served when legislation and policies consider the cost/benefit break point** after which resources spent tracking and supervising low-risk sexual offenders are better re-directed toward the management of high-risk sexual offenders, crime prevention, and victim services.

(Emphasis added)

