

## **Favorable with Amendments HB-1163 Human Relations – Protections Against Discrimination – Criminal Records**

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. FAIR applauds this bill's ambition to remove discrimination based on a person's prior criminal record. Avoiding this discrimination goes such a long way to allowing a person with a conviction to become a productive member of society. Unfortunately this bill's exceptions destroy the positive elements and instead codify discriminatory practice, which we hope can be corrected.

### **Allows local jurisdictions to discriminate more if they want to.**

First, we find it concerning that the new 20-604(c) is allowing any local jurisdiction to allow more discrimination if it wishes – if we are reading this correctly. Additionally, having a clear law that applies across the full state is far easier to manage than a hodge-podge that is confusing and hard to track.

### **Excluding an arrest is discriminatory.**

First, FAIR is concerned regarding excluding an arrest if the alleged offense is against a minor. With an arrest, the person has not been convicted. Excluding a person who has not received due process or disposition in court continues to discriminate by assuming the person is already proven guilty.

### **Excluding an entire “class” of former offenders is discriminatory.**

Far more concerning is that this bill would exclude everyone required to register. FAIR wishes to point out that the registry includes EVERY sexually related offense starting from very minor misdemeanors, statutory offenses, and non-contact offenses. A few are not even sexual and many are against an adult, not a child... not at all what is assumed by the general public. Of all people facing collateral consequences, this population is most in need of some anti-discrimination protection. They are routinely barred from employment that has no relevance whatsoever to their past convictions simply because of their names on a published list.

Applying this broad brush stereotype of persons on the registry is harming not just registrants but also their families, preventing them from reaching their full potential in the community. The data shows that the majority of persons on the registry do NOT

reoffend, regardless of their original offense,<sup>1</sup> and yet they are the MOST discriminated against due to their presence on a published registry.

All human beings deserve to live, function and prosper within society. This bill tries to support that, except for the nearly eight thousand Maryland citizens mandated to register or those arrested or convicted of an offense involving a minor. **What this bill suggests is that THOSE people don't matter.** THOSE people **don't** deserve to have a fair chance at bettering their job, or finding a new home, or applying to live in assisted living.

Furthermore, this bill would **make it legal for any and all Marylanders to discriminate against those on the registry.** This doesn't happen with any other class in the existing law, because there are no *exceptions* for those classes. At this time, it is legal in Maryland for those on the registry to go to the movies of their own free will. This bill if passed makes it legally ok for AMC, for example, to block those on the registry from their theaters, or for parks to post signs barring registrants at their entrances.

## Conclusion

The language of the existing anti-discrimination statutes already has plenty of exceptions in place in which someone can apply a restriction or single out some class of people **if there is a bona fide reason for doing so.** Thus there is no need to discriminate against such a large group of people in this otherwise very positive anti-discrimination bill.

HB1163 grandly states that there should be no discrimination in housing, employment, or labor management **regardless of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, CRIMINAL RECORD, or disability.** Don't destroy this otherwise excellent proposition by carving out any remaining groups of people, and codifying discrimination for them all.

Sincerely,



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<sup>1</sup> <https://www.bjs.gov/content/pub/press/rsorp94pr.cfm> and <https://www.ncjrs.gov/pdffiles1/nij/grants/231989.pdf> page 7