

Favorable with Amendments Response to SB514 Landlord and Tenant–Residential Leases–Prospective Tenant Criminal History Records Check

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We strongly support efforts to facilitate re-integration of individuals who have paid their debt to society and now seek only the opportunity to live productive and lawful lives. FAIR supports SB514, with small changes to the Bill to direct that a landlord may inquire before extending a conditional offer and withdraw a conditional offer **only** with respect to the individual's lifetime sex offense registration status under **Maryland** law, not the law of any other state.

Maryland's 3-tier registration scheme, while somewhat consistent with the federal registration process, puts far more people (roughly 70%) in Tier 3 (lifetime registration) than recommended by federal guidelines. Many of these registrants could benefit from this bill with no risk to public safety, if a path forward could be found to do so.

Additionally, a large number of states arbitrarily place all or almost all registrants under lifetime registration, regardless of tier or of risk of re-offense.¹ When a registered individual enters Maryland to reside, the state performs a review and assigns a tier level to the individual which should be the only relevant factor in a landlord's evaluation of the individual's criminal history regarding the registry. FAIR knows of a number of cases where Maryland registrants have been assigned Tier 1 status (registration for 15 years) for their out-of-state offense but had the lifetime registration requirement in their former state, which has no jurisdiction over Maryland law.²

For this reason we propose a modest change to this bill before passage, which is on the next page.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries

¹ For example, Texas authorities acknowledge that Tier 1 individuals do not pose any risk yet they subject them to blanket lifetime registration. "Level one (low): indicates that the person poses a low danger to the community and will not likely engage in criminal sexual conduct." Texas Department of Public Safety, <https://www.dps.texas.gov/section/crime-records/faq/criminal-history-records-and-texas-sex-offender-registration-program-faq#Sex-offender>

² Registration is a civil requirement applied by each state. It is not part of a person's actual sentence or supervision.

Proposed changes to SB514

8-2A-04 (A)(2)(II)

IS **OR WILL BE** SUBJECT TO A LIFETIME REGISTRATION REQUIREMENT UNDER **MARYLAND'S A-STATE** SEX OFFENDER REGISTRATION PROGRAM.

8-2A-05 (A)(3)

ANY CRIME **REQUIRING RESULTING IN** LIFETIME REGISTRATION IN **MARYLAND'S A-STATE** SEX OFFENDER REGISTRY;