

Unfavorable Response to SB549

Civil Actions - Immunity - Disclosure of Allegations of Sexually Assaultive Behavior

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. FAIR opposes SB549 because it lacks sufficient protection for individuals accused of sexual offenses and creates a high risk of reputational harm through false allegations.

Key Concerns:

1. **Presumption of Good Faith:** The bill assumes that any accusation made by a third party is in good faith, placing the burden on the accused to prove malice or recklessness.
2. **High Burden of Proof for the Accused:** The accused must prove with "clear and convincing evidence" that the informant acted maliciously or recklessly, while the informant can easily claim they made an innocent mistake without consequence.
3. **Potential for Abuse:** The bill creates opportunities for false or misleading allegations to spread publicly (e.g., social media, employers, landlords) while reducing meaningful legal recourse for the accused.

FAIR does understand the difficulty faced by someone with a claim of abuse. These two suggestions would help reduce our concerns.

1. **Limit Immunity to Law Enforcement Reports:** The bill should only provide immunity when the confidant either (a) knows a report was made to law enforcement or (b) reports the allegation to law enforcement themselves.
2. **Adjust Burden of Proof Standard:** If allegations are proven false or prosecution does not occur, the accused should not have to meet a "clear and convincing" standard to challenge the accusation. In some cases, a decision not to prosecute should create a presumption that the accusation was made recklessly or maliciously.

These are very substantial changes, however, and thus we ask that the committee vote NO on this bill.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries