

Unfavorable Response to SB78 Juvenile Child Sex Offenders - Juvenile Sex Offender Registry and Prohibition on In-Person School Attendance

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses.

SB78 is attempting to make two unique changes to laws regarding juveniles convicted of more serious sex offenses. The first regarding CR 11-704 would add a new qualifying offense requiring registration: a four-year age gap between the offender and victim.

The second change proposed in the Bill, addition of new section ED 7-312 has almost no connection to the first beyond its relation to a delinquent youth. It states that "a child" will be prohibited from attending school in-person if they commit a sexual offense that, **if committed by an adult**, would be a felony.

The sponsors must not be aware of the incredibly broad range of sex offenses that are felonies in Maryland. Some of the provisions captured by this language specifically apply to **adult individuals** who are at or above a certain age (18 or 21) who commit a sexual offense **against a minor**. As currently worded, for example, a 13-year-old girl awkwardly tries to fondle a 14-year-old boy at a party. Should the girl be eliminated from in-person school because the offense would be a felony if committed by a 21-year-old? What about a 14-year-old who sends a nude, provocative picture of themselves to a classmate. That is distribution of child pornography (a felony) which would exclude the 14-year-old from school.

Further, there is no provision in this bill for **any end to this banishment** from school, based on some sort of review of the young person's progress toward rehabilitation. Young people are generally amenable to treatment, and many do go on to lead successful and law-abiding lives. Rather than cast out an entire group based on a very broad and confusing standard, it would make much more sense to ensure that a clear process is in place to alert school administrators to repeated encounters with the justice system which indicate harmful and risky behavior and provide guidelines for appropriate measures in various situations, up to and including alternative educational opportunities.

We urge the committee to return an unfavorable vote for SB78.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries