

## **Unfavorable Response to HB638**

### **Juveniles – Sexual Offenses – Registration and Reporting Requirements**

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We have several concerns regarding HB638.

First, the bill adds 303-7(a)(3) to registration and “reportable offenses.” This involves sexual contact where the victim is under 14 and the actor is at least 4 years older. There is no lower age limit. This means potentially a 10-year-old could end up on the juvenile registry for inappropriate contact with their 6-year-old cousin. FAIR understands and accepts that reporting such offenses to administrators might have value – but is registration really necessary if the court is already monitoring that 10-year-old?

Second, the new language of Criminal article 11-704(d)(1) says “except for” the new (d)(2), but in reality (d)(2) is completely removing the existing language allowing a juvenile to be removed from the registry when the juvenile court’s jurisdiction ends, because it says if jurisdiction ends before age 21, the youth must continue to register. There is nothing left under (d)(1) at that point.

Extending the registration period of all juveniles to the age of 21 irrespective of juvenile court jurisdiction is both arbitrary and cruel. Limiting juvenile registration to private access does not eliminate the harm it causes. Kids make mistakes, experiment, take inappropriate pictures of each other.<sup>1</sup> Once they exit the juvenile justice system, they should be able to move on from these mistakes and not have the “black cloud” of periodic reporting, notification of school authorities, etc. for possibly years after the underlying delinquency has been adjudicated and put to rest, except perhaps in unique circumstances involving specific violent offenses.

Due to these three problems with this bill, FAIR asks that the committee return an unfavorable report.

Sincerely,



Brenda V. Jones, Executive Director  
Families Advocating Intelligent Registries

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<sup>1</sup> Other bills circulating at this time would extend juvenile registration to a broad range of delinquent activity, including offenses involving taking of pictures or non-violent, consensual acts (one 14 year old sending an inappropriate picture to another 14 year old).