

Unfavorable Response to HB952 Juvenile Sex Offender Registry – Qualifying Offenses and Access

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. The preamble of HB952 asserts that the bill focuses on two substantive areas: (1) providing local superintendents access to the juvenile registry and (2) expanding the list of juvenile-registerable offenses. FAIR finds several of these proposed changes objectionable due to the significant harm they would cause to young people, who are generally highly amenable to treatment and rehabilitation.

Eliminating Minimum Age for Juvenile Registration

HB952 proposes to remove the following provision from existing Maryland Law: *"(2) the person was a minor who was at least 14 years old at the time the delinquent act was committed."* Current Crim Proc 11-704.1(b)(2).

Without this provision, juveniles younger than 14 could be placed on the juvenile registry. What is the intended goal of this change? The Juvenile Courts already have jurisdiction over all juvenile delinquency cases. Under this bill, some registration requirements would now apply to 13 year olds and in certain cases, even to 10-year-olds. Furthermore, under the bill's proposed changes juveniles placed on the registry would remain there until the age of 18, with no mechanism for removal.

There must be a more constructive approach than a punitive, reactionary response that demoralizes juveniles for mistakes or lapses in judgment especially at such sensitive ages. In an era of cell phones and digital cameras, does the legislature truly intend to impose a 5-year registration requirement on a 13-year-old for taking a picture of a friend touching themselves and then showing it to another friend in the same room? (proposed Crim Proc 11-704.1(b)(5)). Wouldn't counseling and support be a better way to address this?

Expansion to Familial Sexual Offenses

The addition of CL 3-602 would allow for registration of children who may barely understand appropriate versus inappropriate behavior. The existing statute is designed to punish adult behaviors against children, yet this expansion leaves open the possibility of placing a child on the registry for exploratory behavior with a similarly-aged cousin, for example. Additionally, notifying a superintendent in such cases serves no meaningful purpose, as these acts occur within the family and not among schoolmates.

Addition of Visual Surveillance

The language of CL 3-902 states that visual surveillance must have prurient intent, which should theoretically exclude very young children. However, pre-pubescent children may engage in such behavior out of curiosity or imitation of adult behaviors. Even for adults, this offense is classified as a misdemeanor, and it seems unnecessarily harsh to

subject a child to even a private registry for such actions. If notifying a superintendent is deemed necessary, there must be a better approach than imposing registration, even privately, especially under a system that mandates placement until the age of 18 without any possibility of early removal.

Ambiguities in the Definition of Child Pornography

The inclusion of 11-207 as a registerable offense under the condition that “the victim had no knowledge or consent” is highly problematic. First, juveniles frequently engage in exploration and often do give mutual acknowledgement and consent, though social conflicts—such as breakups—can later complicate these situations. Second, legally speaking, ANY juvenile is presumed incapable of consent due to their age. This contradiction raises fundamental questions about how consent would even be determined under this provision.

For these reasons, FAIR urges the committee to return an unfavorable report.

Sincerely,

A handwritten signature in cursive script, reading "Brenda V. Jones". The signature is fluid and elegant, with a long, sweeping underline that extends to the right.

Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries