

Unfavorable Response to HB0259

Public Safety – Statewide DNA Database System, DNA Collection, and Penalties – Alterations

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We feel the new language suggested for the Criminal Law Article is unclear and will create confusion. We are recommending a modest amendment to the proposed language for the reasons stated below.

We are concerned that the current language does not make clear that a DNA sample is required from registrants only once. Individuals required to register (1) likely would have already submitted a DNA sample in connection with their underlying prosecution or conviction, either in Maryland or another jurisdiction, and (2) must report in person to Maryland authorities every 3 or 6 months for as long as they remain on the Registry. Anyone homeless reports/re-registers weekly.

The proposed Sections 2-504(a)(4) and 2-504(b)(2)(iii) should be amended to make clear that DNA sample collection is required only at the time of initial registration (unless results from DNA sampling are already available to the Supervising Authority), and not at the time of periodic reporting/re-registration. While the sponsors may argue that “where initially required to register” is clear enough, sadly there are persons in local offices that enjoy making a registrant's life harder who could decide to interpret it as EVERY time the person registers at that place of initial registration. We would like to avoid this.

Our proposed changes to the language are on the next page.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries

2-504(a)(4) – AN INDIVIDUAL REQUIRED TO REGISTER AS A SEX OFFENDER UNDER SECTION 11-704 OF THE CRIMINAL PROCEDURE ARTICLE SHALL HAVE A DNA SAMPLE COLLECTED BY THE SUPERVISING AUTHORITY WHERE **AND AT THE TIME** THE INDIVIDUAL IS INITIALLY REQUIRED TO REGISTER

2-504(b)(2)(III) - AT THE TIME OF **INITIAL** REGISTRATION AS A SEX OFFENDER UNDER § 11-704 OF THE CRIMINAL PROCEDURE ARTICLE, BY THE SUPERVISING AUTHORITY WHERE THE INDIVIDUAL IS INITIALLY REQUIRED TO REGISTER.