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POSITION ON PROPOSED LEGISLATION

BILL: House Bill 847 – Criminal Procedure – Domestic Violence Offender Registry

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 02-20-2025

The Maryland Office of the Public Defender respectfully requests that the Judiciary Committee issue an unfavorable report on House Bill 847, legislation requiring the Department of Public Safety and Correctional Services to establish and maintain a “Domestic Violence Offender Registry.”

House Bill 947 purports to protect public safety by requiring registration by an individual who has been convicted 3 or more times of a crime of domestic violence, “as defined in Section 4-701 of the Family Law Article” or a crime committed “by a defendant against a victim who had a sexual relationship with the defendant within the 12 months immediately preceding the commission of the crime.” Proposed § 11-1201(b)(1)-(2). If a person is required to register under House Bill 847 and fails to do so, or knowingly provides inaccurate information, that person is guilty of a misdemeanor and, if convicted, subject to a fine not exceeding \$2,000.

The Office of Public Defender’s opposition to this bill is informed by experiences with the Gun Offender Registries and sex offender registries. The “GORA” as it is known in Baltimore City and Prince George’s County has proved far more burdensome than productive.¹ Similarly, sex offender registries do nothing to deter sex offenses and may event exacerbate recidivism:

¹ The registry requires those who’ve been convicted of a gun offense — such as illegal possession, sale, use or transportation — to register and update their information every six months for three years. Failure to comply is punishable by up to a year in prison and a fine. Studies show that those registries largely fail to prevent future assaults for a variety of reasons. The database is publicly available on the city’s Open

In spite of the laudable goals of legislation establishing registries and requiring public notification, *evidence establishing the effectiveness of these measures in reducing sex crimes is notably lacking*. As a majority of mental health professionals predicted from the outset, *registries have not been effective in reducing the number of sex offenses committed*. Evidence for this is borne out in empirical investigations and scholarly articles on the topic of sex-offender registration laws. The balance of the scholarship concludes that *registration and notification laws are not effective at decreasing recidivism and instead may be increasing recidivism among the targeted population of offenders*.²

Registries, like the one proposed in House Bill 847, are a poor substitute for investment in prevention and education. The Centers for Disease Control has highlighted that healthy relationships can be promoted by addressing risk and protective factors at the individual, relationship, community, and societal levels.³

Before lawmakers create new misdemeanor crimes for failing to register in light of past adjudicated crimes, they should invest resources in communities to protect families and individuals from experiencing domestic violence and providing services to anyone needing protection and healing from domestic violence. Registries based upon criminal convictions have proven wholly ineffective at improving public safety and must resist their implementation

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on HB 847.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

Baltimore website. And appearance on it can make it difficult to find housing and work. It also — to borrow an argument from legal gun owners who protest the idea of public databases with their information — can make the individual a target for crime or vigilantism. Almost all of those registered — 95% — are Black men, See <https://www.baltimoresun.com/2022/04/26/is-public-access-to-baltimores-gun-offender-registry-helping-or-hurting-commentary/>.

² Molly J. Walker Wilson, The Expansion of Criminal Registries and the Illusion of Control, 73 La. L. Rev. 509, 519 (Winter, 2013) (emphasis added, internal citations omitted).

³ See e.g., <https://www.cdc.gov/intimate-partner-violence/prevention/index.html> .