



Working to end sexual violence in Maryland

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Testimony Regarding House Bill 1147 **Lisae C. Jordan, Executive Director & Counsel** March 4, 2025

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence.

MCASA has grave concerns about HB1147, particularly regarding the provisions for excessively frequent hearings, lack of adequate protections for victim privacy, and unnecessary expenditures in a tight budget year. We are not philosophically opposed to parole reform and the sponsor has assured us that amendments to address concerns will be taken seriously, therefore, MCASA is providing information as opposed to full opposition to the bill. With this in mind, we respectfully suggest that if the Committee chooses to move forward on HB1147, it should be amended to provide more sensitive scheduling of hearing, clarify victim participation, create a presumption for a victim stay away order, and protect privacy.

Frequency of Hearings

Both the offender and the victim could benefit from knowing when parole hearings will be scheduled. However, HB1147 proposal for hearing every two years is grossly insensitive in sexual assault cases. MCASA suggests that the parole board have the ability to choose future review dates and provide a date certain. This allows for consideration of the length of remaining sentence (for example, a hearing in 5 years may not be appropriate for a sex offender facing an additional 5 years incarceration, but a hearing in 5 years is too frequent for an offender with an additional 40 years to serve). This also allows for consideration of practical issues, such as a desire to keep a child sex offender in prison until their victim graduates from school. We also specifically object to provisions depriving the parole commission of the ability to permanently deny parole; while there are few cases that should result in this, they do exist.

Victim/Survivor Participation in Parole Hearings

Current victim rights laws provide the right to participate in parole hearings. Crim.Pro. §11-505. However, it could inflict significant trauma on a rape victim to participate every two years in person (or virtually) and, conversely, if a victim does not object to release on parole, it is onerous to require personal appearance. A Washington Post article, <https://www.washingtonpost.com/dc-md-va/2024/01/25/this-law-makes-her-explain-trauma-her-rape-every-few-years/>, describes in vivid detail the harm Second Look legislation can have on rape survivors; parole hearings are not significantly different in that both involve releasing offenders from incarceration. We therefore urge the Committee to include language regarding victim impact statements and to require the Court to consider the statement, including previously filed statements. We also strongly suggest protecting victims from cross examination.

A VICTIM MAY SUBMIT A VICTIM IMPACT STATEMENT REGARDING THE IMPACT OF THE CRIME AND THE PROPOSED RELEASE;

(II) THE COURT SHALL CONSIDER ANY VICTIM IMPACT STATEMENT FILED IN THE CASE AT THE TIME OF SENTENCING, UNDER THIS SECTION, OR AT ANY OTHER PROCEEDING IN THE CASE.

(III) A VICTIM SHALL NOT BE SUBJECT TO CROSS EXAMINATION WHEN PRESENTING A VICTIM IMPACT STATEMENT UNDER THIS SECTION

STAY AWAY ORDERS

If the Committee chooses to report favorably, we also urge support for an automatic order to stay away from the victim and victim's family as a condition of release unless the victim requests otherwise. For example:

A COURT SHALL ORDER A DEFENDANT TO STAY AWAY FROM AND REFRAIN FROM CONTACT WITH A VICTIM AND VICTIM'S FAMILY IF A DEFENDANT IS RELEASED UNLESS THE VICTIM REQUESTS OTHERWISE. A COURT MAY IMPOSE ANY OTHER CONDITION OF RELEASE NECESSARY TO PROMOTE VICTIM SAFETY AND ENHANCE PEACE OF MIND.

PRIVACY

HB1147 attempts to address victim privacy by requiring that names be redacted from publicly available transcripts. In order to protect privacy, all personally identifiable information should be redacted, taking consideration of the community size, context of the crime and relationship between the parties, and case facts. Given the difficulty in creating effective protection and the cost of creating a transcript in every case, MCASA also suggests that transcripts be produced when requested, not routinely.

MCASA notes in conclusion that we continue to have grave concerns about the impact of HB1147 on victims, however, we also acknowledge the need for parole reform and look forward to continuing to work with the sponsor.

