



Unfavorable Response to HB1293 Behavioral Health Programs – Residents at Inpatient Facilities – Sex Offender Registry Compliance

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies.

HB 1293 would impose an affirmative requirement on the operators of inpatient behavioral health facilities to ensure compliance with sex offender registry requirements for any patient currently required to register. Failure to satisfy this requirement would subject the facility to significant monetary penalties, as well as non-monetary penalties up to and including loss of license/certification for repeat violations. This approach is unnecessary, duplicative, and likely to produce unintended negative consequences.

I. Existing Law Already Places Responsibility Where It Belongs

Under Criminal Procedure § 11-705, the obligation to comply with registration requirements rests squarely on the individual registrant, with oversight and enforcement carried out by law enforcement. The statutory framework is clear: the registrant must notify local law enforcement when altering or temporarily leaving a residence. Creating a parallel compliance structure within behavioral health facilities is redundant and inconsistent with the structure of § 11-705. HB 1293 would shift or blur that responsibility by requiring inpatient behavioral health programs to act as de facto compliance monitors. This change undermines the clarity of existing law.

II. The Bill Undermines the Therapeutic Role of Behavioral Health Providers

Behavioral health providers are trained to deliver treatment, not to serve as agents of regulatory enforcement. Requiring facilities to screen for registry compliance and potentially report noncompliance alters the therapeutic relationship between provider and patient. Effective behavioral health treatment depends on trust.

Additionally, imposing new and unclear compliance obligations on facilities would undoubtedly discourage hospitals and inpatient behavioral health programs from accepting registered individuals at all. This would have the perverse effect of limiting access to critical mental health treatment for a population already facing significant barriers to care.

III. The Issue Can Be Addressed More Directly and Appropriately

If the concern is registrant noncompliance during inpatient hospitalization, the appropriate solution is to clarify the registrant's obligations under § 11-705—not to impose new duties on treatment providers. A more reasonable and targeted approach would be to amend § 11-705(c)(1) to address hospitalizations directly, requiring in-person registration within 3 days of:

'(iii) return to the registrant's residence following admission to an inpatient behavioral health facility or hospital.'

This revision directly addresses the practical issue—temporary inability to notify due to hospitalization—without expanding oversight into the clinical setting.

IV. Avoiding Unnecessary “Administrative Violations”

Registration is an administrative process. When individuals are charged with “failure to register,”¹ the cases (which can result in penalties involving significant incarceration) involve administrative violations—not the commission of a new sexual offense. Studies consistently show that **sexual recidivism rates are substantially lower than general recidivism rates**, with many studies reporting sexual re-offense rates in the single digits (e.g., 4–7%). (*U.S. DOJ SMART Office, 2015*) The “failure to register” administrative violation outcomes raised by this bill are avoidable through a narrowly tailored statutory clarification grounded in legislative reason.

For these reasons, we respectfully urge the Committee to issue an unfavorable report on HB 1293 and instead consider a targeted amendment to § 11-705.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries

¹ For example, reporting to the Registration office one day late can be considered an offense punishable by incarceration, as can failure to timely update a car registration or a telephone number.