



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 1293 with Amendments
Lisae C. Jordan, Executive Director & Counsel
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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. We urge the Health Committee to report favorably on House Bill 1293 with Amendment.

House Bill 1293 – Registered Sex Offenders and Inpatient Facilities

This bill requires that inpatient behavioral health programs take steps to determine if residents are required to register as sex offenders, indicating that the resident has been criminally convicted for sexual offenses. MCASA applauds this common-sense effort. We respectfully suggest that programs also be required to affirmatively check whether residents are listed on the registry. More importantly, we strongly urge that the programs be required to do more than simply check the registry, and also be required to take affirmative steps to ensure residents are protected from sexual violence. Most sex offenders are never convicted, so will not be on the sex offender registry. However, when a resident is on the registry, this is a risk factor to consider and respond to.

MCASA respectfully suggests the following amendments:

On page 2, in lines 19-30:

(C) (1) A BEHAVIORAL HEALTH PROGRAM SHALL TAKE AFFIRMATIVE AND REASONABLE STEPS TO DETERMINE WHETHER A RESIDENT IS REQUIRED TO REGISTER UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE, INCLUDING:

(I) CHECKING THE FEDERAL NATIONAL SEX OFFENDER REGISTRY AND THE MARYLAND SEX OFFENDER REGISTRY TO DETERMINE IF THE RESIDENT IS LISTED;

(II) ASKING THE RESIDENT WHETHER THE RESIDENT IS REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER; AND

~~[(II)]~~ ~~[(III)]~~ IF THE RESIDENT IS REQUIRED TO REGISTER, VERIFYING WHETHER THE RESIDENT IS LISTED ON THE MARYLAND SEX OFFENDER REGISTRY.

(2) IF A BEHAVIORAL HEALTH PROGRAM DETERMINES THAT A RESIDENT IS REQUIRED TO REGISTER, THE BEHAVIORAL HEALTH PROGRAM SHALL TAKE REASONABLE STEPS TO ENSURE COMPLIANCE WITH TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE AND PROTECTION OF RESIDENTS, INCLUDING:

(1) ADOPTING AND IMPLEMENTING POLICIES TO ENSURE THAT RESIDENT WHO IS A REGISTERED SEX OFFENDER IS ADEQUATELY SUPERVISED AND RESTRICTIONS ARE IMPOSED TO PROTECT OTHER RESIDENTS;

[and renumber according].

**The Maryland Coalition Against Sexual Assault urges the
Health Committee to
report favorably on House Bill 1293 with Amendments**