

## **Unfavorable Response to HB1363 Criminal Procedure – Domestic Violence Offenders - Registration**

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies. FAIR and its affiliate, the National Association for Rational Sexual Offense Laws, believe that individuals who commit offenses should be held accountable in a court of law. However, over 30 years of research and experience have demonstrated that public offender registries are a “feel good” measure – they do not enhance public safety; instead, the considerable financial and manpower resources directed toward their creation, management and enforcement would be more effectively used to reduce crime and recidivism if directed toward treatment and rehabilitation.<sup>1</sup>

### **Accountability vs. Effectiveness**

Domestic violence is a serious and harmful crime. The question before us is not whether accountability matters—it does—but whether public registries are an effective, evidence-based means of enhancing public safety.

Public exposure increases instability in housing, employment, and community integration—factors that are strongly linked to higher rates of reoffending. Policies that undermine stability ultimately weaken rather than strengthen community safety.

### **Existing Maryland Criminal Penalties and Enforcement**

We already have a large number of laws intended to punish and restrict persons with domestic violence charges and convictions.

<b>Category</b>	<b>Law / Citation</b>	<b>Key Provisions</b>	<b>Penalties / Consequences</b>
<b>Assault (1st &amp; 2nd Degree)</b>	Md. Code, Crim. Law §§ 3-202, 3-203	Criminal assault offenses	Up to <b>10 years</b> (2nd degree) or <b>25 years</b> (1st degree) imprisonment
<b>Domestically Related Designation</b>	Md. Code, Crim. Proc. § 6-234	Applies to spouses, intimate partners, family members; impacts arrest, charging, and sentencing	Binding sentencing consequences and procedural requirements
<b>Protective Orders</b>	Md. Code, Fam. Law §§ 4-501, 4-506, 4-509	Temporary, emergency, and final protective orders to prevent contact	Court-ordered restrictions; violation may result in arrest and prosecution

<sup>1</sup> Jill S. Levenson and Leo P. Cotter, The Impact of Sex Offender Residence Restrictions: 1,000 Feet from Danger or One Step from Absurd?, 49 International Journal of Offender Therapy and Comparative Criminology 168 (2005).

<b>Violation of Protective Orders</b>	Md. Code, Fam. Law §§ 4-508, 4-509	Criminal enforcement of protective orders	Fines and incarceration
<b>Firearm Restrictions</b>	Related to domestic violence charges, convictions, or protective orders	Firearm possession prohibited under qualifying circumstances	Immediate firearm restrictions; removal from scene permitted
<b>Warrantless Arrest Authority</b>	Md. Code, Crim. Proc. §§ 2-204, 2-205	Officers may arrest without warrant in certain DV cases involving injury; may remove firearms	Immediate custody and firearm seizure
<b>Harassment</b>	Md. Code (Criminal Law)	Misdemeanor offense	Up to <b>90 days</b> (1st offense); up to <b>180 days</b> (subsequent offenses)
<b>Stalking</b>	Md. Code, Crim. Law § 3-803	Misdemeanor offense	Up to <b>5 years</b> imprisonment
<b>Supervision &amp; Monitoring</b>	Probation & Parole Authority	Structured supervision tailored to individual risk	Individualized accountability, monitoring, and compliance conditions

### Evidence-Based Alternatives

If the General Assembly seeks to improve accountability and prevention, more effective alternatives include:

- Expanding treatment and intervention programs
- Enhancing victim support and relocation services
- Improving coordinated (non-public) law enforcement data sharing.

### Conclusion

Domestic violence demands serious, effective solutions. Public registries are a symbolic measure that creates unintended harm without delivering meaningful safety benefits.

For these reasons, FAIR respectfully opposes HB 1363.

Sincerely,



Brenda V. Jones, Executive Director  
Families Advocating Intelligent Registries