

News from Annapolis

February 24, 2010

This week has seen a focus on the proposed legislation regarding Sexual Offenders.

The tragic death of 11 year old Sarah Foxwell on the Eastern Shore highlighted the need for better coordination between law enforcement, the court system and other states when dealing with sex offenders. Despite passing tougher laws, Maryland needs to continue our vigilance and protect our children from sex offenders. Since 2006, the legislature has passed a series of tougher laws to crackdown on sex offenders:

- During the 2006 special session, the legislature passed Jessica's Law, which requires a 25 year mandatory minimum sentence for first degree rape and first degree sex offenses against a minor (HB 2). In addition, the bill required courts to sentence certain sex offenders to a term of extended parole supervision. The House passed almost identical legislation during the 2006 regular session but the conference committee report failed to pass on Sine Die. For the past two years, the House of Delegates has passed legislation to improve the extended parole supervision.
- In 2007, the legislature eliminated the possibility of parole for mandatory minimum sentences for first and second degree rape, and first and second degree sex offenses. That same year, the legislature passed a law requiring mental health assessments of sex offenders convicted of sexual abuse against a minor.
- In 2008, the legislature followed implementation of Jessica's Law with a bill requiring the collection of DNA on arrest for any crime of violence or felony burglary.
- The State's entire backlog of 24,000 DNA samples has been eliminated and over 100 sex offenders have been arrested based on DNA.

To know where to begin improving the system, we must understand the State's current efforts to punish deter and monitor offenders:

- Currently, there are over 4,000 registered child sex offenders in Maryland and a total of 6,438 registered sex offenders.
- Currently, there are 71 sex offender parole agents in Maryland. These agents monitor 2300 sex offenders – a ratio of approximately 30:1.
- In February 2009, the State started a Global Positioning System (GPS) program to monitor the most violent sex offenders. To date, 1300 offenders have been monitored using GPS. Over the last 18 months, less than one-third of 1% of sex offenders that are under active supervision have been charged with new sex offenses.

- The State also requires all sex offenders released on parole, regardless of severity of offense, to undergo an initial polygraph test within 30 days of release and another 2 polygraph tests in 6 month intervals.
- The State also installs software on the personal computers of certain sex offenders in order to monitor the content that sex offenders are viewing.

Delegate King and I have sponsored House Bill 736, Registered Sex Offenders - Residency Restriction. Specifically it prohibits a registered sex offender from residing within 1,000 feet of a school or child care facility.

The 2010 session, brings a number of proposed bills to enact even stricter laws to punish sex offenders submitted by Governor O'Malley and several lawmakers. The General Assembly wants to ensure that there are not any loopholes in the system and that the directives to the courts are clear. Legislative proposals this year include:

- Requiring life time supervision for the most violent sex offenders, sex offenses against children and repeat offenders. Lifetime supervision could include GPS monitoring, requiring ongoing polygraphs, restricting an offender's movement to their place of work and home etc.
- Eliminating good time credits for the most violent sex offenders convicted under Jessica's Law.
- Requiring a judge (instead of a district court commissioner) to determine whether a registered sex offender arrested for *any* crime should receive pre-trial release. This creates a rebuttable presumption that the registered sex offender poses a danger to the community and that must be taken into account for bail. A criminal rap sheet would have to include documentation that someone is a registered sex offender or if they have been sentenced to extended supervision.
- Extending the most severe penalties to those offenders that commit a sex offense against a child under 15, instead of under 13, which is the law now.
- Requiring local Department of Social Services to disclose to the Division of Parole & Probation evidence that a sex offender is living in a child's home or has contact with a child.
- Reconstituting the Sex Offender Advisory Board in order to make recommendations on how to best manage sex offenders and protect the public from them.
- Bringing Maryland in line with federal sex offender provisions, including creating minimum standards for registration on the sex offender registry and requiring juvenile sex offenders at least 14 years of age to register on the sex offender registry if convicted in adult court.

The House Judiciary Committee held hearings on all of the sex offender bills on Tuesday, February 23, 2010.

If you are on Facebook, you can find short comments on House of Delegates activities two or three times a week. Just search for Delegate Pam Beidle and join my Fan Page. I always welcome comments from my constituents and I hope you will continue to stay in touch on issues that concern you. My office phone is 410-841-3370, email is Pamela.Beidle@house.state.md.us.