

**Unfavorable Response to Senate Bill 320
Criminal Procedure – Sexual Offenders – Lifetime Supervision**

Families Advocating Intelligent Registries (FAIR) has a special concern for persons accused and convicted of sexual offenses, and seeks rational, constitutional sexual offense laws and policies. FAIR opposes SB 320 because it expands an already egregious punishment to more persons.

There is no question that rape is a serious offense, and FAIR in no way is making light of it. But CR § 11-723 applies a one-size-fits-all punishment to a wide range of situations, including (interestingly) sodomy which has been stricken down as unconstitutional and which a separate bill is finally seeking to remove from Maryland's criminal statutes. SB 320 seeks to add even more people to this mandatory punishment; primarily persons convicted of custodial abuse of a victim of any age, rather than only with a victim under age 12.

FAIR would prefer that fewer people be sentenced to lifetime supervision rather than more. This could be done by adding judicial discretion, (changing "shall" to "may") or by reducing certain categories in the mandatory sentence. This broad-brush punishment is unnecessary. Reliable studies (see below) have demonstrated that even the most serious sexual offenders decrease in risk of re-offense to where after about 15 years, this group is no more likely to commit another one, than anyone in the general population.

We do not expect that the sponsors of this bill are going to change direction, however. We simply wish to point out that **there is no need to expand who is covered by §11-723**. Should a judge deem a lengthy sentence to be necessary, he or she will impose it, along with the various potential restrictions and requirements listed, simply because it is a sexual offense.

For these reasons, FAIR respectfully requests that the committee vote NO on SB 320.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries

Declaration of Dr. R. Karl Hanson.

United States District Court for the Northern District of California. Civil Case No. C 12 5713. Filed 11-7-12

Selection:

I, R. Karl Hanson, declare as follows:

I am a Senior Research Scientist at Public Safety Canada. Throughout my career, **I have studied recidivism, with a focus on sex offenders.** I discuss in this declaration key findings and conclusions of research scientists, including myself, regarding recidivism rates of the general offender population and sex offenders in particular. **The information in this declaration is based upon my personal knowledge and on sources of the type which researchers in my field would rely upon in their work.** If called upon to testify, I could and would competently testify thereto.

Summary of Declaration:

My research on recidivism shows the following:

- 1) **Recidivism rates are not uniform across all sex offenders.** Risk of re-offending varies based on well-known factors and can be reliably predicted by widely used risk assessment tools such as the Static-99 and Static-99R, which are used to classify offenders into various risk levels.
- 2) **Once convicted, most sexual offenders are never re-convicted of another sexual offence.**
- 3) **First-time** sexual offenders are significantly **less likely** to sexually re-offend than are those with previous sexual convictions.
- 4) Contrary to the popular notion that sexual offenders remain at risk of reoffending through their lifespan, **the longer offenders remain offence-free in the community, the less likely they are to re-offend sexually.** Eventually, they are less likely to re-offend than a non-sexual offender is to commit an "out of the blue" sexual offence.
 - a) Offenders who are classified as low-risk by Static-99R pose no more risk of recidivism than do individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
 - b) After 10 - 14 years in the community without committing a sex offense, medium-risk offenders pose no more risk of recidivism than Individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
 - c) After 17 years without a new arrest for a sex-related offense, high-risk offenders pose no more risk of committing a new sex offense than do individuals who have never been arrested for a sex related offense but have been arrested for some other crime.
- 5) Based on my research, my colleagues and I recommend that rather than considering all sexual offenders as continuous, lifelong threats, **society will be better served when legislation and policies consider the cost/benefit break point** after which resources spent tracking and supervising low-risk sexual offenders are better re-directed toward the management of high-risk sexual offenders, crime prevention, and victim services.

(Emphasis added)

