

Unfavorable Response to HB-1001
Criminal Procedure – Indecent Exposure

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We have serious reservations about HB-1001, which is unnecessary and counter-productive.

If enacted, this legislation would differentiate those convicted of indecent exposure under current code section §11-107 into those with or without “lascivious or prurient intent”, placing the former on the state’s registry.

The terms “lascivious” and “prurient” are obsolete and not consistently understood, defying good legislative practice.¹ They also deal with motivations, which can be difficult or impossible to determine. We are aware of a case in which a construction worker on the Eastern Shore urinated from the back deck of a house. A woman next door saw him and accused him of deliberately exposing himself to her. He ended up with a conviction. There are undoubtedly a high number of such misconstrued and borderline cases where it is hard to determine intent.

The majority of persons who have engaged in indecent exposure pose no risk of progressing to contact-based sexual offenses. Moreover, exhibitionism is a symptom of an underlying condition that has been treated with great success by anti-androgen therapy.^{2,3,4,5} FAIR believes the law should focus on proactive, therapeutic approaches when feasible rather than punitive, stigmatizing measures such as the registry.

The lives of offenders, and the lives of their families, would be unnecessarily disrupted for the ten-year period of their Tier I registration. Most offenders under this law are productive members of society, many having children. For these reasons, **we urge an unfavorable response to HB-1001.**

Sincerely,



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1. <https://people.ischool.berkeley.edu/~nunberg/prurient.html>
 2. http://doctoronly.co.il/wp-content/uploads/2013/03/09_Pharmacological-treatment.pdf
 3. <https://www.sciencedirect-com.proxy1.library.jhu.edu/science/article/pii/S000579679190041Z>
 4. <https://link-springer-com.proxy1.library.jhu.edu/article/10.1007/s11126-020-09810-w>
 5. <https://pubmed-ncbi-nlm-nih-gov.proxy1.library.jhu.edu/25692326/>