



violence in Maryland

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Working to end sexual

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Testimony Supporting House Bill 48 and Supporting House Bill 521 with Amendments Lisae C. Jordan, Executive Director & Counsel January 28, 2021

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 Judiciary Committee to report favorably on House Bill 48 or report favorably on House Bill 521 with Amendments.

House Bill 48 and House Bill 521 – House Bill 48 and House Bill 521 address an unintended loophole in Maryland's laws regarding **registered sex offenders and entry onto school property**.

Adults (people over 18) are placed on the sex offender registry if they are convicted of certain crimes. Crim.Pro. §11-701, *et seq.* Juveniles can be placed on the sex offender registry if they are tried and convicted of a sex offense as an adult. Certain juvenile offenders can also be placed on a juvenile registry if they committed an offense that falls under Crim.Pro. §11-704.1.

Criminal Procedure §11-722 currently permits registered sex offenders to enter real property where a school is located if the sex offender is a student and has written permission, granted within the past year, from the Superintendent of Schools, the local school board, or the principal of the school AND notifies the school of the offender's presence and purpose of the visit.

In 2017, Santino Sudano was arrested and charged with second-degree rape in an incident involving a 13-year-old girl. He pleaded guilty to and was convicted of second-degree assault and a fourth-degree sex offense. He was convicted and required to register as a sex offender. In Fall 2018, he enrolled as a student at Parkville High School. He was subsequently charged with committing another sex offense against another student. These bills are a result of this case.

HB48 eliminates the exception allowing a student sex offender to be on school grounds and directs that a student-offender receive an education either through the “Home and Hospital Teaching Program” or by attending a Regional Institute for Children and Adolescents. This would ensure that young offenders continue to receive an education and also protect other students. It is the stronger of the two bills. HB521 is similar, but limits the prohibition on entering school grounds to students convicted of a “sexually violent offense”. If this were in place when Santino Sudano attended school, it would not have excluded him as neither 2nd degree assault nor 4th degree sex offense fall under that definition. HB521 does have the benefit of providing school districts with additional flexibility, should the Committee wish to provide that.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 48 or
report favorably on House Bill 521 with Amendments**