

# HB 473/SB 280

## CRIMINAL PROCEDURE - SEX OFFENDERS - LIFETIME SUPERVISION

*Improving Maryland's ability to reduce sex offender recidivism in our communities*

### **Mandatory Lifetime Supervision will**

- ◆ Reduce violence against children and others by expanding Maryland's successful supervision and management of our most serious sex offenders
- ◆ Extend proven supervision strategies to sex offenders released in our communities
- ◆ Protect the public from false reliance on lifetime registration by ensuring lifetime supervision of our most serious sex offenders
- ◆ Aid law enforcement in effectively monitoring and enforcing offenders through state-of-the art technology
- ◆ Send offenders who violate lifetime supervision back to jail and out of our communities

### **HB 473/SB 280 Summary:**

- ◆ Requires courts to sentence certain serious sex offenders and multiple offenders to lifetime supervision
- ◆ Requires lifetime supervision to be consecutive to any sentence or probationary term imposed for underlying offense
- ◆ Requires pre-sentence investigation prior to imposing lifetime supervision conditions such as GPS
- ◆ Establishes criminal penalties for violations
- ◆ Eliminates dim credits for offenders on lifetime
- ◆ Authorizes a person to petition the court for discharge from supervision following original sentence plus 3 years of lifetime supervision
- ◆ Requires courts, with DPP, to make finding that the offender is not an unacceptable risk to the community

### **Sex Offender Supervision: Maryland's Success Story**

During the 2006 Special Session, the Maryland General Assembly passed HB 2.

Within months of enactment, DPP had established and trained specialized sex offender management and enforcement teams throughout Maryland

Today, 83 special agents manage 2300 sex offenders

Agents use state-of-the-art technology to augment supervision:

- Clinical Polygraph Examination
- Computer Monitoring (of offender's computer activity)
- GPS tracking

231 offenders are on GPS today. Since the program's inception in February 2009, 1300 offenders have been on GPS.

**During the 18 months from July 2008 through December 2009:**

**Between 87% and 94% of sex offender cases closed each month were closed in satisfactory status or by revocation in response to a *technical violation*.**

**In other words, these offenders were not convicted of new offenses while under DPP supervision.**

**Less than *one-third of one percent* of the sex offenders under active DPP supervision were charged with new sex offenses.**

### **Qualifying Convictions for Lifetime Supervision:**

1° rape; attempted 1° rape, 2° rape, attempted 2° rape, 1° sexual offense, attempted 1° sexual offense, certain 2° and 3° sexual offenses, and sexual abuse of a minor; and multiple offenses

**Approximately 24 states have some form of lifetime supervision for qualifying sex offenders** including AZ, CO, FL, GA, IL, KS, MA, NH, NY, RI, TN, UT, WA

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### **Sex Offender Lifetime Supervision: Success Stories of Other States**

#### **COLORADO:**

##### **FY 2009**

- ◆ 1,496 offenders were sentenced to prison under lifetime supervision provisions
- ◆ 166 offenders were sentenced to probation under lifetime supervision provisions
- ◆ 590 offenders were under active lifetime supervision
- ◆ 52 sex offenders (sentenced between 1998 and 2009) had their lifetime supervision sentences terminated.
- ◆ **Less than 1% of actively supervised offenders committed new felonies (3) and misdemeanors (1).** Remaining offenders' probations were revoked due to technical violations, deportation, death, abscission, and judgments set aside.



(Source: Lifetime of Supervision of Sex Offenders, Annual Report, State of Colorado, 2009.)

#### **ARIZONA:**

In 1985, the Arizona State Legislature passed a statute that permitted lifetime probation for certain sex offenders. This statute was the impetus for the creation of Maricopa County's specialized sex offender supervision program, which began in 1987 and became formal in 1993, under the authority of the county Adult Probation Office.



##### **May 1993 - August 2000**

- ◆ 2,344 offenders were under active lifetime supervision
- ◆ Approximately 6.8% committed a new criminal offense (160 offenders)
- ◆ Of those, 1.8% committed new sex offenses (42 offenders)
- ◆ Further analysis of the new sex offenses revealed that the crimes generally occurred after family or friends allowed access to children, even when they were aware of the offender's history.

##### **FY 2009**

- ◆ 1,666 under active lifetime supervision
- ◆ 2.9% new felony convictions
- ◆ 33.8% revoked to Department of Corrections

(Sources: Case Studies on the Center for Sex Offender Management's National Resource Sites, 2nd Edition, Center for Sex Offender Management, April 2001. 2009 Annual Report, Maricopa County Adult Probation)

### **STATES WITH SOME FORM OF LIFETIME SUPERVISION FOR QUALIFYING SEX OFFENDERS**

AZ, CO, FL, GA, IL, IA, KS, MA, ME, MO, MS, NE, NH, NJ, NV, NY, OR, RI, TN, UT, VT, WA, WI