

Proponent Testimony on House Bill 41
Civil Justice Committee
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Chairman Hillyer, Vice Chair Grendell, Ranking Member Galonski, and members of the committee: thank you for the opportunity to discuss House Bill 41, and thank you to Representatives Lanese and Liston for their continued work on this important bill.

My name is Dr. Terrance Kukor, and I am a Senior Forensic Psychologist for Netcare Access. I am board certified in forensic psychology by the American Board of Professional Psychology, and I am a fellow of the American Academy of Forensic Psychology. For the past 30 years I have conducted many hundreds of court-ordered forensic evaluations, many of which have involved violent individuals. One of my areas of expertise is violence risk assessment, which I have taught at professional workshops across the country and have made use of in consulting with a local office of the FBI. This is all to say that I have what I think is a well-informed professional opinion about violence risk.

I am writing to urge you to support House Bill 41. I would like to describe three things: 1) what the bill does, 2) clarify what the bill does not do, and 3) explain why it is important.

Let me begin by clarifying what this bill would do. If passed, it would simply establish a mechanism by which forensic evaluators like me, probate pre-screeners, and employees of regional psychiatric hospitals would be able to petition the State to have our voter registration information, including our home addresses, removed from public records. That's it – just one simple thing.

The bill does not do several things worth mentioning. First, it in no way restricts an examinee's rights. When we interview criminal defendants, we provide them a description, both verbally and in writing, of their rights, including information about how they can make a complaint about us if they think that we have in any way violated their rights. Furthermore, examinees are able to contact us by phone, fax, or USPS at the Netcare Forensic Center. In light of this ready availability, it is baffling to me why a criminal defendant would need to contact me at my residence. Second, this bill does not cost you a cent.

This leads me to the question of why this bill is sorely needed. Our forensic evaluations, which are used by courts to make decisions about legal issues, sometimes result in the individual's civil liberties being restricted. The way we see these decisions is often very different than the way evaluatees do. For example, when we file an Affidavit in Probate Court for involuntary psychiatric hospitalization, as we see it, we are protecting safety, be it that of the public or the person on whom we are filing. When we opine in criminal court that a defendant is competent or sane, as we see it, we are helping Judges make difficult legal decisions with expert analysis of mental health data. It should come as no surprise that in some cases these evaluatees, many of whom have seriously disordered thinking and judgment, look for someone to blame for a decision that they dislike, and we end up in the crosshairs. We accept the risks that go with our professional responsibilities in our workplaces. What I cannot accept is a dangerous loophole in the law that exposes us – as well as our families – to risk in our private lives at home. I urge you to take a common sense step and close this loophole.

Thank you for your consideration. Please contact me directly if you have any questions.