
By: Delegates Dembrow and Doory

Introduced and read first time: January 22, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Sexual Offenders - Required Notice of Registration**

3 FOR the purpose of requiring certain supervising authorities to notify the Department of
4 Public Safety and Correctional Services of the release of child sexual offenders;
5 altering provisions to require the Department of Public Safety and Correctional
6 Services to make certain notifications of registration statements regarding child
7 sexual offenders to certain organizations and persons under certain circumstances;
8 requiring the notification of any other person or organization that may serve to
9 protect the public concerning a specific child sexual offender; allowing local law
10 enforcement agencies to make certain disclosures; prohibiting the disclosure of the
11 identity of the victim of an offense that requires registration of the offender;
12 providing that certain disclosures may not be construed to limit or prohibit other
13 disclosures; and generally relating to notification of the registration of child sexual
14 offenders.

15 BY repealing and reenacting, with amendments,
16 Article 27 - Crimes and Punishments
17 Section 792(b)(1) and (d)
18 Annotated Code of Maryland
19 (1996 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article 27 - Crimes and Punishments**

23 792.

24 (b) (1) (I) Subject to paragraph (2) of this subsection, on the earlier of the
25 date that the child sexual offender is released, is granted probation before judgment, is
26 granted probation after judgment, is granted a suspended sentence, or receives a sentence
27 that does not include a term of imprisonment the supervising authority shall send written
28 notice of the release of the child sexual offender to the local law enforcement agency in
29 the county where the offender will reside.

30 (II) IF THE SUPERVISING AUTHORITY IS NOT THE DEPARTMENT OF
31 PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE SUPERVISING AUTHORITY

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1 SHALL ALSO NOTIFY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
2 SERVICES.

3 (d) (1) Subject to paragraph (3) of this subsection, as soon as possible and in no
4 event later than 5 working days after receiving a registration statement, [a local law
5 enforcement agency] THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
6 SERVICES shall send written notice of the registration statement to the county
7 superintendent, as defined in § 1-101 of the Education Article, in the county where the
8 child sexual offender will reside.

9 (2) As soon as possible and in no event later than 5 working days after
10 receiving notice from the [local law enforcement agency] DEPARTMENT under
11 paragraph (1) of this subsection, a county superintendent shall send written notice of the
12 registration statement to the principals of the schools within the supervision of the
13 superintendent.

14 (3) In addition to the notice required under paragraph (1) of this
15 subsection, [a local law enforcement agency may] THE DEPARTMENT OF PUBLIC
16 SAFETY AND CORRECTIONAL SERVICES SHALL provide notice of a registration
17 statement to the following organizations OR PERSONS if the [agency] DEPARTMENT
18 determines that such notice is necessary to protect the public [interest] CONCERNING A
19 SPECIFIC CHILD SEXUAL OFFENDER:

20 (i) A community organization;

21 (ii) A religious organization; [and]

22 (iii) Any other organization that relates to children or youth; AND

23 (IV) ANY OTHER PERSON OR ORGANIZATION THAT THE
24 DEPARTMENT DETERMINES MAY SERVE TO PROTECT THE PUBLIC CONCERNING A
25 SPECIFIC CHILD SEXUAL OFFENDER.

26 (4) IN ADDITION TO THE DEPARTMENT OF PUBLIC SAFETY AND
27 CORRECTIONAL SERVICES, A LOCAL LAW ENFORCEMENT AGENCY MAY ALSO MAKE
28 THE DISCLOSURES REQUIRED UNDER THIS SUBSECTION.

29 [(4)] (5) (I) A local law enforcement agency AND THE DEPARTMENT OF
30 PUBLIC SAFETY AND CORRECTIONAL SERVICES shall establish procedures for carrying
31 out the notification requirements of paragraph (3) of this subsection, including the
32 circumstances under and manner in which notification shall be provided.

33 (II) A LOCAL LAW ENFORCEMENT AGENCY AND THE
34 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES MAY NOT
35 RELEASE THE IDENTITY OF A VICTIM OF AN OFFENSE THAT REQUIRES
36 REGISTRATION UNDER THIS SECTION.

37 (6) A DISCLOSURE UNDER THIS SUBSECTION MAY NOT BE CONSTRUED
38 TO LIMIT OR PROHIBIT ANY OTHER DISCLOSURE PERMITTED OR REQUIRED UNDER
39 LAW.

40 [(5)] (7) An elected public official, public employee, or public agency is
41 immune from civil liability for damages arising out of any action relating to the provisions

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1 of this subsection, unless it is shown that the official, employee, or agency acted with gross
2 negligence or in bad faith.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1997.