

(PRE-FILED)

By: **Delegate Boschert**

Requested: November 19, 2002

Introduced and read first time: January 8, 2003

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2003

CHAPTER 405

1 AN ACT concerning

2 **Criminal Procedure - Sexual Offender Registration - Change of Name**

3 FOR the purpose of requiring a registrant who is granted a legal change of name by a
4 court to send written notice to the Department of Public Safety and Correctional
5 Services within a certain time after the change is granted; clarifying that a
6 registration statement must include a registrant's full name, including any
7 suffix; requiring a registration statement to include any other name by which a
8 registrant has been legally known; requiring a supervising authority to explain
9 to a registrant the requirement to give notice of a name change; requiring the
10 Department to give notice to certain entities of a registrant's change of name
11 within a certain time; providing a certain penalty for a registrant's failure to
12 provide notice of a name change; and generally relating to sexual offender
13 registration and change of name.

14 BY adding to

15 Article - Criminal Procedure

16 Section 11-705(f)

17 Annotated Code of Maryland

18 (2001 Volume and 2002 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article - Criminal Procedure

21 Section 11-706(a), 11-708(a), 11-710, and 11-721

22 Annotated Code of Maryland

23 (2001 Volume and 2002 Supplement)

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

3 **Article - Criminal Procedure**

4 11-705.

5 (F) A REGISTRANT WHO IS GRANTED A LEGAL CHANGE OF NAME BY A COURT
6 SHALL SEND WRITTEN NOTICE OF THE CHANGE TO THE DEPARTMENT WITHIN 7
7 DAYS AFTER THE CHANGE IS GRANTED.

8 11-706.

9 (a) A registration statement shall include:

10 (1) the registrant's FULL name, INCLUDING ANY SUFFIX, and address;

11 (2) (i) for a registrant under § 11-704(a)(7)(i) of this subtitle, the
12 registrant's place of employment; or

13 (ii) for a registrant under § 11-704(a)(7)(ii) of this subtitle, the
14 registrant's place of educational institution or school enrollment;

15 (3) (i) for a registrant enrolled, or expecting to enroll, in an institution
16 of higher education in the State as a full-time or part-time student, the name and
17 address of the institution of higher education; or

18 (ii) for a registrant who carries on employment, or expects to carry
19 on employment, at an institution of higher education in the State, the name and
20 address of the institution of higher education;

21 (4) a description of the crime for which the registrant was convicted;

22 (5) the date that the registrant was convicted;

23 (6) the jurisdiction in which the registrant was convicted;

24 (7) a list of any aliases that the registrant has used;

25 (8) the registrant's Social Security number; [and]

26 (9) ANY OTHER NAME BY WHICH THE REGISTRANT HAS BEEN LEGALLY
27 KNOWN; AND

28 (10) the registrant's signature and date signed.

29 11-708.

30 (a) When a registrant registers, the supervising authority shall:

- 1 (1) give written notice to the registrant of the requirements of this
2 subtitle;
- 3 (2) explain the requirements of this subtitle to the registrant, including:
- 4 (i) the duties of a registrant when the registrant changes residence
5 address in this State;
- 6 (ii) the duties of a registrant under § 11-705(e) AND (F) of this
7 subtitle;
- 8 (iii) the requirement for a child sexual offender to register in person
9 with the local law enforcement unit of the county where the child sexual offender will
10 reside or where the child sexual offender who is not a resident of this State will work
11 or attend school; and
- 12 (iv) the requirement that if the registrant changes residence
13 address, employment, or school enrollment to another state that has a registration
14 requirement, the registrant shall register with the designated law enforcement unit
15 of that state within 7 days after the change; and
- 16 (3) obtain a statement signed by the registrant acknowledging that the
17 supervising authority explained the requirements of this subtitle and gave written
18 notice of the requirements to the registrant.

19 11-710.

- 20 (a) As soon as possible but not later than 5 working days after receipt of notice
21 of a registrant's change of address, the Department shall give notice of the change:
- 22 (1) if the registration is premised on a conviction under federal, military,
23 or Native American tribal law, to the designated federal unit; and
- 24 (2) (i) to the local law enforcement unit in whose county the new
25 residence is located; or
- 26 (ii) if the new residence is in a different state that has a
27 registration requirement, to the designated law enforcement unit in that state.
- 28 (b) (1) (i) As soon as possible but not later than 5 working days after
29 receipt of notice under § 11-705(e) of this subtitle, the Department shall give notice to
30 the campus police agency of the institution of higher education where the registrant is
31 commencing or terminating enrollment or employment.
- 32 (ii) If an institution of higher education does not have a campus
33 police agency, the notice required under this section shall be provided to the local law
34 enforcement agency having primary jurisdiction for the campus.
- 35 (2) Institutions of higher education currently required to disclose
36 campus security policy and campus crime statistics data shall advise the campus

1 community where law enforcement agency information provided by a state
2 concerning registered sex offenders may be obtained.

3 (3) An institution of higher education is not prohibited from disclosing
4 information provided to the institution under this subtitle concerning registered sex
5 offenders.

6 (C) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 WORKING DAYS AFTER
7 RECEIPT OF NOTICE UNDER § 11-705(F) OF THIS SUBTITLE, THE DEPARTMENT SHALL
8 GIVE NOTICE OF THE CHANGE OF NAME:

9 (1) IF THE REGISTRATION IS DUE TO A CONVICTION UNDER FEDERAL,
10 MILITARY, OR NATIVE AMERICAN TRIBAL LAW, TO THE DESIGNATED FEDERAL UNIT;

11 (2) TO THE LOCAL LAW ENFORCEMENT UNIT IN WHOSE COUNTY THE
12 REGISTRANT RESIDES OR WHERE A REGISTRANT WHO IS NOT A RESIDENT OF THE
13 STATE WILL WORK OR ATTEND SCHOOL; AND

14 (3) IF THE REGISTRANT IS ENROLLED IN OR EMPLOYED AT AN
15 INSTITUTION OF HIGHER EDUCATION IN THE STATE, TO:

16 (I) THE CAMPUS POLICE AGENCY OF THE INSTITUTION OF HIGHER
17 EDUCATION; OR

18 (II) IF THE INSTITUTION DOES NOT HAVE A CAMPUS POLICE
19 AGENCY, THE LOCAL LAW ENFORCEMENT AGENCY HAVING PRIMARY JURISDICTION
20 FOR THE CAMPUS.

21 11-721.

22 (a) A registrant may not knowingly fail to register, knowingly fail to provide
23 the written notice required under § 11-705(d) [or], § 11-705(e), OR § 11-705(F) of this
24 subtitle, or knowingly provide false information of a material fact as required by this
25 subtitle.

26 (b) A person who violates this section is guilty of a misdemeanor and on
27 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
28 \$5,000 or both.

29 (c) A person who violates this section is subject to § 5-106(b) of the Courts
30 Article.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2003.

