

# HOUSE BILL 938

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By: **Delegates Kach, Impallaria, Boteler, Costa, Elmore, J. King, Kipke, and McDonough**

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sexual Offenders – Supervision, Notifications, and**  
3 **Penalties**

4 FOR the purpose of requiring the inclusion of certain additional information in a  
5 registration statement for the Offender Registry; requiring a supervising  
6 authority to verify certain information for a certain person; altering certain  
7 deadlines for a supervising authority to send certain information; expanding the  
8 types of child care entities that may be notified by a local law enforcement unit  
9 of the filing of a registration statement under certain circumstances; altering  
10 the penalty for a person convicted of knowingly failing to register as an offender  
11 for certain crimes, knowingly failing to provide a certain written notice to the  
12 Department of Public Safety and Correctional Services, and knowingly  
13 providing false information of a material fact on a certain registration  
14 statement; prohibiting a person from knowingly assisting a person who is  
15 subject to certain registration requirements and fails to comply with those  
16 requirements, in eluding a law enforcement agency or certain supervising  
17 authority by withholding information regarding the whereabouts of the person  
18 under certain circumstances or by providing false information; establishing a  
19 certain penalty; and generally relating to sex offenders.

20 BY repealing and reenacting, with amendments,  
21 Article – Criminal Procedure  
22 Section 11–706, 11–708, 11–709, and 11–721  
23 Annotated Code of Maryland  
24 (2001 Volume and 2006 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Criminal Procedure  
3 Section 11–721.1  
4 Annotated Code of Maryland  
5 (2001 Volume and 2006 Supplement)

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

8 **Article – Criminal Procedure**

9 11–706.

10 (a) A registration statement shall include:

11 (1) the registrant’s full name, including any suffix, and address;

12 (2) (i) for a registrant under § 11–704(a)(7)(i) of this subtitle or  
13 who is on work release, the registrant’s place of employment; or

14 (ii) for a registrant under § 11–704(a)(7)(ii) of this subtitle, the  
15 registrant’s place of educational institution or school enrollment **AND ENROLLMENT**  
16 **STATUS**;

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

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

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

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

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

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

27 (8) the registrant’s Social Security number;

1 (9) any other name by which the registrant has been legally known;  
2 [and]

3 (10) IDENTIFYING FACTORS FOR THE REGISTRANT, INCLUDING A  
4 PHYSICAL DESCRIPTION;

5 (11) A COPY OF THE REGISTRANT'S VALID DRIVER'S LICENSE OR  
6 IDENTIFICATION CARD;

7 (12) THE LICENSE PLATE NUMBER AND DESCRIPTION OF ANY  
8 VEHICLE OWNED OR OPERATED BY THE REGISTRANT; AND

9 [(10)] (13) the registrant's signature and date signed.

10 (b) If the registrant is a sexually violent predator, the registration statement  
11 shall also include:

12 (1) [identifying factors, including a physical description;

13 (2)] anticipated future residence, if known at the time of registration;

14 [(3)] (2) offense history; and

15 [(4)] (3) documentation of treatment received for a mental  
16 abnormality or personality disorder.

17 (c) IF THE REGISTRANT'S PLACE OF RESIDENCE IS A MOTOR VEHICLE,  
18 TRAILER, MOBILE HOME, OR MANUFACTURED HOME, AS DEFINED IN § 12-301  
19 OF THE PUBLIC SAFETY ARTICLE, THE REGISTRATION STATEMENT SHALL ALSO  
20 INCLUDE:

21 (1) THE VEHICLE IDENTIFICATION NUMBER;

22 (2) THE VEHICLE REGISTRATION NUMBER; AND

23 (3) A DESCRIPTION OF THE VEHICLE, INCLUDING COLOR  
24 SCHEME.

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

2 (1) give written notice to the registrant of the requirements of this  
3 subtitle;

4 (2) explain the requirements of this subtitle to the registrant,  
5 including:

6 (i) the duties of a registrant when the registrant changes  
7 residence address in this State;

8 (ii) the duties of a registrant under § 11-705(e) and (f) of this  
9 subtitle;

10 (iii) the requirement for a child sexual offender to register in  
11 person with the local law enforcement unit of the county where the child sexual  
12 offender will reside or where the child sexual offender who is not a resident of this  
13 State is a transient or will work or attend school; and

14 (iv) the requirement that if the registrant changes residence  
15 address, employment, or school enrollment to another state that has a registration  
16 requirement, the registrant shall register with the designated law enforcement unit of  
17 that state within 7 days after the change; [and]

18 (3) obtain a statement signed by the registrant acknowledging that  
19 the supervising authority explained the requirements of this subtitle and gave written  
20 notice of the requirements to the registrant; **AND**

21 **(4) VERIFY THE REGISTRANT'S ADDRESS.**

22 (b) (1) The supervising authority shall obtain a photograph and  
23 fingerprints of the registrant and attach the photograph and fingerprints to the  
24 registration statement.

25 (2) For a registrant who has not submitted a DNA sample, as defined  
26 in § 2-501 of the Public Safety Article, for inclusion in the statewide DNA database  
27 system of the Department of State Police Crime Laboratory, the supervising authority  
28 shall:

29 (i) obtain a DNA sample from the registrant at the registrant's  
30 initial registration; and

1 (ii) provide the sample to the statewide DNA database system of  
2 the Department of State Police Crime Laboratory.

3 (3) This subsection does not apply if the registrant is required to  
4 register under § 11-704 of this subtitle solely as a result of a misdemeanor conviction.

5 (c) (1) Within [5] 2 days after obtaining a registration statement, the  
6 supervising authority shall send a copy of the registration statement with the attached  
7 fingerprints and photograph of the registrant to the local law enforcement unit in the  
8 county where the registrant will reside or where a registrant who is not a resident is a  
9 transient or will work or attend school.

10 (2) (i) If the registrant is enrolled in or carries on employment at,  
11 or is expecting to enroll in or carry on employment at, an institution of higher  
12 education in the State, within [5] 2 days after obtaining a registration statement, the  
13 supervising authority shall send a copy of the registration statement with the attached  
14 fingerprints and photograph of the registrant to the campus police agency of the  
15 institution of higher education.

16 (ii) If an institution of higher education does not have a campus  
17 police agency, the copy of the registration statement with the attached fingerprints  
18 and photograph of the registrant shall be provided to the local law enforcement agency  
19 having primary jurisdiction for the campus.

20 (d) As soon as possible but not later than [5] 3 working days after the  
21 registration is complete, a supervising authority that is not a unit of the Department  
22 shall send the registration statement to the Department.

23 11-709.

24 (a) (1) Every 3 months within [5] 2 days after a child sexual offender or  
25 sexually violent predator completes the registration requirements of § 11-707(a) of  
26 this subtitle, a local law enforcement unit shall send notice of the child sexual  
27 offender's or sexually violent predator's quarterly registration to the Department.

28 (2) Each year, a local law enforcement unit shall send a child sexual  
29 offender's and sexually violent predator's updated photograph to the Department  
30 within [6] 4 days after the photograph is submitted.

31 (b) (1) As soon as possible but not later than [5] 2 working days after  
32 receiving a registration statement of a child sexual offender or notice of a change of

1 address of a child sexual offender, a local law enforcement unit shall send written  
2 notice of the registration statement or change of address to the county superintendent,  
3 as defined in § 1-101 of the Education Article, and all nonpublic primary and  
4 secondary schools in the county within 1 mile of where the child sexual offender is to  
5 reside or where a child sexual offender who is not a resident of the State is a transient  
6 or will work or attend school.

7 (2) As soon as possible but not later than 10 working days after  
8 receiving notice from the local law enforcement unit under paragraph (1) of this  
9 subsection, the county superintendent shall send written notice of the registration  
10 statement to principals of the schools under the superintendent's supervision that the  
11 superintendent considers necessary to protect the students of a school from a child  
12 sexual offender.

13 (c) A local law enforcement unit that receives a notice from a supervising  
14 authority under this subtitle shall send a copy of the notice to the police department, if  
15 any, of a municipal corporation if the registrant:

16 (1) is to reside in the municipal corporation after release;

17 (2) escapes from a facility but resided in the municipal corporation  
18 before being committed to the custody of a supervising authority; or

19 (3) is to change addresses to another place of residence within the  
20 municipal corporation.

21 (d) As soon as possible but not later than 5 working days after receiving  
22 notice from a local law enforcement unit under this section, a police department of a  
23 municipal corporation shall send a copy of the notice to the commander of the local  
24 police precinct or district in which the child sexual offender is to reside or where a  
25 child sexual offender who is not a resident of the State will work or attend school.

26 (e) As soon as possible but not later than 5 working days after receiving a  
27 notice from a supervising authority under this subtitle, a local law enforcement unit  
28 shall send a copy of the notice to the commander of the law enforcement unit in the  
29 district or area in which the child sexual offender is to reside or where a child sexual  
30 offender who is not a resident of the State will work or attend school.

31 (f) A local law enforcement unit may notify the following entities that are  
32 located within the community in which a child sexual offender is to reside or where a  
33 child sexual offender who is not a resident of the State will work or attend school of  
34 the filing of a registration statement or notice of change of address by the child sexual  
35 offender:

1 (1) [family] day care homes or child care centers registered or licensed  
2 under Title 5, Subtitle 5 of the Family Law Article;

3 (2) child recreation facilities;

4 (3) faith institutions; and

5 (4) other organizations that serve children and other individuals  
6 vulnerable to child sexual offenders.

7 11-721.

8 (a) A registrant may not knowingly fail to register, knowingly fail to provide  
9 the written notice required under § 11-705(d), (e), or (f) of this subtitle, or knowingly  
10 provide false information of a material fact as required by this subtitle.

11 (b) A person who violates this section[:

12 (1) for a first offense, is guilty of a misdemeanor and on conviction is  
13 subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both;  
14 and

15 (2) for a second or subsequent offense,] is guilty of a felony and on  
16 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding  
17 \$10,000 or both.

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

20 **11-721.1.**

21 (A) **A PERSON MAY NOT KNOWINGLY ASSIST A REGISTRANT IN ELUDING**  
22 **A LAW ENFORCEMENT AGENCY OR A SUPERVISING AUTHORITY THAT IS**  
23 **ATTEMPTING TO QUESTION THE REGISTRANT REGARDING, OR ARREST THE**  
24 **REGISTRANT FOR, FAILING TO COMPLY WITH THE REQUIREMENTS OF THIS**  
25 **SUBTITLE BY:**

26 (1) **WITHHOLDING INFORMATION ABOUT THE WHEREABOUTS OF**  
27 **THE REGISTRANT WHEN QUESTIONED BY A REPRESENTATIVE OF A LAW**  
28 **ENFORCEMENT AGENCY OR A SUPERVISING AUTHORITY; OR**

1                   **(2) PROVIDING FALSE INFORMATION TO A LAW ENFORCEMENT**  
2 **AGENCY OR A SUPERVISING AUTHORITY REGARDING THE WHEREABOUTS OF**  
3 **THE REGISTRANT.**

4                   **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**  
5 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
6 **EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2007.