

HB0936/692212/2

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 936

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Vaughn” and substitute “Vaughn, Frank, Aumann, George, Jennings, McComas, Olszewski, Shank, Smigiel, Stifler, McConkey, Barnes, Conaway, Dumais, Kramer, Rosenberg, Anderson, Dwyer, Levi, Ramirez, Hecht, Bobo, Carr, Frick, Glenn, Hucker, Kullen, Lee, Montgomery, Murphy, Niemann, Rice, and Rudolph”.

AMENDMENT NO. 2

On page 1, in line 14, after “circumstances;” insert “requiring a certain person to be included in a certain listing of juvenile sex offenders; specifying that a certain listing of juvenile sex offenders shall be accessible only by law enforcement personnel for law enforcement purposes; requiring a certain person to be removed from a certain listing of juvenile sex offenders at a certain time;”; in line 18, strike “a”; and in the same line, strike “unit” and substitute “units”.

On page 2, in line 15, strike “certain terms” and substitute “a certain term”; in line 22, strike the first “the” and substitute “each”; in line 24, strike “the” and substitute “each”; in line 31, after “information;” insert “altering a certain provision to require the Department to post certain information about a registrant on the Internet; requiring the Department to post on the Internet, in plain language that can be understood without special knowledge of the criminal laws of the State, a description of the crime of a sex offender registrant, excluding details that would identify the victim;”; and in line 34, after “person;” insert “requiring the Department, in consultation with the Department of State Police, to adopt certain regulations on or before a certain date;”.

(Over)

AMENDMENT NO. 3

On page 4, in line 19, after “(F)” insert “(1)”; and after line 21, insert:

“(2) “HABITUALLY LIVES” INCLUDES ANY PLACE WHERE A PERSON VISITS FOR LONGER THAN 5 HOURS PER VISIT MORE THAN 5 TIMES WITHIN A 30-DAY PERIOD, FOR THE PURPOSE OF LIVING OR SLEEPING.”.

On page 9, in line 3, strike “OR THE COMMON LAW OFFENSE OF INDECENT EXPOSURE”; after line 4, insert:

“(3) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING THE COMMON LAW OFFENSE OF INDECENT EXPOSURE, IF THE VICTIM IS A MINOR AND THE COURT MAKES A SPECIFIC FINDING ON THE RECORD THAT THE DEFENDANT’S UNDERLYING INTENT WAS SEXUAL IN NATURE;”;

in lines 5, 9, 24, 27, and 28, strike “(3)”, “(4)”, “(5)”, “(4)”, and “(6)”, respectively, and substitute “(4)”, “(5)”, “(6)”, “(5)”, and “(7)”, respectively; and in line 7, strike “(1) OR (2)” and substitute “(1), (2), OR (3)”.

AMENDMENT NO. 4

On page 10, in line 3, strike “(5)” and substitute “(6)”; in line 8, strike “§ 3-308(B) OR (C),”; in line 15, strike “§ 3-308 (B)(1) OR (C)” and substitute “§ 3-308”; after line 17, insert:

“(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING AN OFFENSE THAT WOULD REQUIRE THE PERSON TO REGISTER AS A TIER I SEX OFFENDER AFTER THE PERSON WAS ALREADY REGISTERED AS A TIER I SEX OFFENDER;”;

in lines 18, 20, 22, and 29, strike “(4)”, “(3)”, “(5)”, and “(3)”, respectively, and substitute “(5)”, “(4)”, “(6)”, and “(4)”, respectively; and in line 34, strike “§ 2-201(4)(VIII)” and substitute “§ 2-201(A)(4)(VIII)”.

On page 11, in line 2, strike “§ 3-322,”; strike beginning with the comma in line 3 down through “SODOMY” in line 4; in line 6, after “3-314,” insert “§ 3-321, § 3-322,”; in line 16, after “INCIDENT” insert “, AND THE COURT MAKES A SPECIFIC FINDING ON THE RECORD THAT THE DEFENDANT’S UNDERLYING INTENT WAS SEXUAL IN NATURE”; after line 16, insert:

“(5) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT OR COMMITTING AN OFFENSE THAT WOULD REQUIRE THE PERSON TO REGISTER AS A TIER I OR TIER II SEX OFFENDER AFTER THE PERSON WAS ALREADY REGISTERED AS A TIER II SEX OFFENDER;”;

and in lines 17, 19, 21, and 28, strike “(5)”, “(4)”, “(6)”, and “(4)”, respectively, and substitute “(6)”, “(5)”, “(7)”, and “(5)”, respectively.

On page 12, in lines 11 and 17, strike “1993” and “1984”, respectively, and substitute “1995” and “1985”, respectively.

AMENDMENT NO. 5

On page 14, in line 19, strike the bracket; strike beginning with “described” in line 19 down through “subtitle” in line 20 and substitute “WHO HAS BEEN ADJUDICATED DELINQUENT FOR AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE, OR § 3-307(A)(1) OR (2) OR § 3-308(B)(1) OF THE CRIMINAL LAW ARTICLE INVOLVING CONDUCT DESCRIBED IN § 3-301(F)(2) OF THE CRIMINAL LAW ARTICLE”; and in line 30, strike “child sexual” and substitute “TIER II OR TIER III SEX”.

On page 15, in line 16, strike the bracket; and strike in their entirety lines 18 through 31 and substitute:

“(A) A PERSON SHALL BE INCLUDED IN A LISTING OF JUVENILE SEX OFFENDERS THAT IS MAINTAINED BY THE DEPARTMENT SEPARATELY FROM THE SEX OFFENDER REGISTRY IF:

(1) THE PERSON HAS BEEN ADJUDICATED DELINQUENT FOR AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE, OR § 3-307(A)(1) OR (2) OR § 3-308(B)(1) OF THE CRIMINAL LAW ARTICLE INVOLVING CONDUCT DESCRIBED IN § 3-301(F)(2) OF THE CRIMINAL LAW ARTICLE; AND

(2) THE PERSON WAS A MINOR WHO WAS AT LEAST 13 YEARS OLD AT THE TIME THE DELINQUENT ACT WAS COMMITTED.

(B) THE LISTING OF JUVENILE SEX OFFENDERS SHALL BE ACCESSIBLE ONLY BY LAW ENFORCEMENT PERSONNEL FOR LAW ENFORCEMENT PURPOSES.

(C) WHEN THE JUVENILE COURT’S JURISDICTION OVER A PERSON WHO IS INCLUDED IN THE LISTING OF JUVENILE SEX OFFENDERS TERMINATES UNDER § 3-8A-07 OF THE COURTS ARTICLE, THE PERSON SHALL BE REMOVED FROM THE LISTING.”.

AMENDMENT NO. 6

On page 16, in line 18, strike “AN”; in the same line, strike “THAT” and substitute “WHERE”; in line 22, strike “OR”; and in lines 23 and 27, in each instance, strike the bracket.

On page 17, in lines 7 and 9, in each instance, strike the bracket; in line 8, strike “7” and substitute “3”; and in line 22, strike the first “the” and substitute “EACH”.

On page 18, in line 1, strike “after”; and in line 13, strike the second “**THE**” and substitute “EACH”.

On page 19, in line 32, strike “7” and substitute “5”.

On page 20, strike beginning with “address” in line 19 down through “**PLACE**” in line 20 and substitute “ALL ADDRESSES AND PLACES”; in line 23, after the first “**OF**” insert “EACH OF”; in the same line, strike “**EMPLOYER**” and substitute “EMPLOYERS”; and in the same line, strike the second “**THE**” and substitute “EACH”.

On page 21, in line 13, strike “**OR**”; in line 16, strike “**ANY**” and substitute “ALL”; in line 21, strike “number **OR REGISTRATION NUMBER**” and substitute “NUMBER, REGISTRATION NUMBER,”; in line 24, strike “**ADDRESS**” and substitute “ADDRESSES”; in line 26, after “**(14)**” insert “ALL LANDLINE AND CELLULAR”; and strike beginning with the comma in line 28 down through “**NUMBERS**” in line 29.

On page 22, in line 1, strike the colon; in line 2, strike “**DATE**” and substitute “DATES”; and in line 3, strike “**REGISTRATION STATUS,**”.

On page 23, in line 4, strike “**OR**”; in line 15, strike the period and substitute “**;** OR”; in lines 16, 19, 26, and 30, in each instance, strike the bracket; in line 16, strike “(iii)” and substitute “(IV)”; in line 17, strike “11-701(c)(5)(i) of this subtitle or a person described under § 11-701(j)(3)(i)” and substitute “11-704(C)(1)”; and in line 25, strike “**OR**”.

On page 24, in line 1, strike “(1)”; in lines 4, 6, 7, and 9, strike “(I)”, “(II)”, “(III)”, and “(IV)”, respectively, and substitute “(1)”, “(2)”, “(3)”, and “(4)”, respectively; and strike lines 11 through 22 in their entirety.

On page 25, in line 33, strike the third “the” and substitute “EACH”.

On page 26, in line 25, strike “A”.

On page 28, in line 17, strike “HOME OR CELL” and substitute “LANDLINE OR CELLULAR”; and in line 31, strike “LOCATION” and substitute “LOCATIONS”.

On page 29, in line 2, strike “HOME OR CELL” and substitute “LANDLINE OR CELLULAR”.

On page 30, in lines 1, 14, and 22, in each instance, strike the first “the” and substitute “EACH”; and in line 33, after “registrants” insert “AND A LISTING OF JUVENILE SEX OFFENDERS”.

On page 31, in line 22, after “a” insert “FACTUAL”; in line 29, strike “may” and substitute “SHALL”; in the same line, after “Internet” insert “;”

(1);

in line 30, after “information” insert “; AND

(2) IN PLAIN LANGUAGE THAT CAN BE UNDERSTOOD WITHOUT SPECIAL KNOWLEDGE OF THE CRIMINAL LAWS OF THE STATE, A FACTUAL DESCRIPTION OF THE CRIME OF THE OFFENDER THAT IS THE BASIS FOR THE REGISTRATION, EXCLUDING DETAILS THAT WOULD IDENTIFY THE VICTIM”.

On page 32, strike beginning with “**OR**” in line 8 down through “**ARTICLE**” in line 9; in line 10, strike the second “the” and substitute “A”; in line 11, strike the first “the” and substitute “A”; in the same line, strike “**LIVES**” and substitute “LIVE”; and in line 13, strike “a” and substitute “THE”.

On page 33, after line 5 insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 31, 2010, the Department of Public Safety and Correctional Services, in consultation with the Department of State Police, shall adopt regulations to implement the listing of juvenile sex offenders in accordance with this Act, including a definition of “law enforcement personnel” who are authorized to access the listing.”;

and in lines 6 and 12, strike “2.” and “3.”, respectively, and substitute “3.” and “4.”, respectively.