

HOUSE BILL 936

E2, E4

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CF SB 854

By: **The Speaker (By Request - Administration) and Delegates Conway, Mathias, Busch, Carter, G. Clagett, Davis, Ivey, Kelly, Minnick, Schuler, Simmons, Valderrama, ~~and Vaughn 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**

Introduced and read first time: February 12, 2010

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2010

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Sex Offenders – Notification and Registration**

3 FOR the purpose of altering certain requirements relating to the registration of
4 individuals who have committed certain offenses on a certain registry; altering
5 the offenses for which a person can be required to register on a certain registry
6 for committing, attempting to commit, or conspiring to commit; requiring
7 certain persons to register on a certain registry if they have been convicted of
8 certain crimes in certain countries; altering the requirements for registration on
9 a certain registry for a certain person granted probation before judgment;
10 providing that certain requirements for a person to register on a certain registry
11 are to be applied retroactively under certain circumstances; providing for the
12 calculation of a certain term of registration; altering certain requirements for
13 persons under a certain age to register on a certain registry under certain
14 circumstances; requiring a certain person to be included in a certain listing of
15 juvenile sex offenders; specifying that a certain listing of juvenile sex offenders
16 shall be accessible only by law enforcement personnel for law enforcement
17 purposes; requiring a certain person to be removed from a certain listing of
18 juvenile sex offenders at a certain time; establishing that certain individuals
19 who are under the protection of certain witness protection programs are exempt

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 from certain registration requirements; altering certain time periods relating to
2 certain registration, notice, and reporting requirements; requiring certain sex
3 offenders to register in person with ~~a~~ certain local law enforcement ~~unit~~ units
4 within certain time periods; providing that a certain sex offender may be
5 required to provide certain additional information to a certain local law
6 enforcement unit; establishing that a person is a resident for purposes of a
7 certain offender registry if the person has a home or other place where the
8 person habitually lives located in the State at the time of a certain event;
9 establishing that a certain registrant shall register with a certain supervising
10 authority within a certain period of time after the registrant begins to
11 habitually live in the State; requiring a certain homeless registrant to register
12 in person with a local law enforcement unit within certain time periods;
13 requiring a certain homeless registrant to register with a local law enforcement
14 unit at certain intervals; establishing that certain registration requirements for
15 a homeless registrant are in addition to certain other requirements; requiring a
16 registrant who was homeless and obtains a fixed address to register with a local
17 law enforcement unit within a certain time period; requiring a certain
18 registrant who makes changes in certain identifying information to send a
19 certain notice to a local law enforcement unit within a certain time period;
20 requiring certain notifications by certain registrants to be made by reporting in
21 person; requiring certain registrants to notify a certain local law enforcement
22 unit when the registrant leaves the United States under certain circumstances
23 or temporarily moves; requiring a certain notification to be made in a certain
24 manner; adding to the requirements of a certain registration statement;
25 requiring a certain registrant to provide a digital image instead of a photograph
26 under certain circumstances; requiring a certain registrant to provide a palm
27 print; repealing an exemption from a certain requirement to provide DNA for a
28 certain person convicted of a misdemeanor; altering the terms of registration for
29 certain sex offenders on a certain registry; authorizing ~~certain terms~~ a certain
30 term of registration to be reduced under certain circumstances; requiring a
31 certain notification relating to the registration of a certain sex offender to be
32 sent to certain school superintendents, schools, school principals, police
33 departments, and certain entities relating to children; requiring local law
34 enforcement units to provide certain notifications to the Department of Public
35 Safety and Correctional Services; expanding certain notification requirements
36 relating to the residence of a certain registrant to include ~~the~~ each county where
37 the registrant habitually lives or intends to habitually live; requiring a certain
38 supervising authority to notify ~~the~~ each local law enforcement unit where a
39 registrant resided or habitually lived in the event of a certain escape or
40 recapture; expanding the authority of a local law enforcement unit to notify
41 entities of the location of a certain sex offender to include notifying child care
42 centers issued a certain letter of compliance; providing that the Department is
43 responsible for receiving and distributing certain communications and notifying
44 certain jurisdictions of certain information; prohibiting certain registration
45 information provided to the public from including certain information; altering a
46 certain provision to require the Department to post certain information about a
47 registrant on the Internet; requiring the Department to post on the Internet, in

1 plain language that can be understood without special knowledge of the
 2 criminal laws of the State, a description of the crime of a sex offender registrant,
 3 excluding details that would identify the victim; requiring the Department to
 4 provide certain information relating to out-of-state registration status on a
 5 certain Internet posting; altering a certain prohibition to provide that a
 6 registrant may not fail to provide certain notice, whether written or in person;
 7 requiring the Department, in consultation with the Department of State Police,
 8 to adopt certain regulations on or before a certain date; providing that certain
 9 provisions of this Act are severable under certain circumstances; making certain
 10 conforming changes; defining certain terms; altering certain terms; repealing
 11 certain terms; and generally relating to sex offender registration.

12 BY repealing and reenacting, with amendments,
 13 Article – Criminal Procedure
 14 Section 11–701, 11–702, 11–702.1, 11–704 through 11–710, 11–712, 11–713,
 15 11–714, 11–717, 11–718(a), and 11–721 to be under the amended subtitle
 16 “Subtitle 7. Sex Offender Registration”
 17 Annotated Code of Maryland
 18 (2008 Replacement Volume and 2009 Supplement)

19 BY repealing and reenacting, without amendments,
 20 Article – Criminal Procedure
 21 Section 11–703
 22 Annotated Code of Maryland
 23 (2008 Replacement Volume and 2009 Supplement)

24 BY adding to
 25 Article – Criminal Procedure
 26 Section 11–704.1 and 11–704.2
 27 Annotated Code of Maryland
 28 (2008 Replacement Volume and 2009 Supplement)

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

31 **Article – Criminal Procedure**

32 Subtitle 7. **SEX OFFENDER** Registration [of Certain Offenders].

33 11–701.

34 (a) In this subtitle the following words have the meanings indicated.

35 (b) “Board” means the Sexual Offender Advisory Board.

36 (c) [“Child sexual offender” means a person who:

1 (1) has been convicted of violating § 3–602 of the Criminal Law
2 Article;

3 (2) has been convicted of violating any of the provisions of the rape or
4 sexual offense statutes under §§ 3–303 through 3–307 of the Criminal Law Article for
5 a crime involving a child under the age of 15 years;

6 (3) has been convicted of violating the fourth degree sexual offense
7 statute under § 3–308 of the Criminal Law Article for a crime involving a child under
8 the age of 15 years and has been ordered by the court to register under this subtitle;

9 (4) has been convicted in another state or in a federal, military, or
10 Native American tribal court of a crime that, if committed in this State, would
11 constitute one of the crimes listed in items (1) and (2) of this subsection; or

12 (5) (i) has been adjudicated delinquent for an act involving a
13 victim under the age of 15 years that would constitute a violation of § 3–303, § 3–304,
14 § 3–305, or § 3–306 of the Criminal Law Article if committed by an adult; and

15 (ii) meets the requirements for registration under § 11–704(c) of
16 this subtitle.

17 (d)] “Commission” means the Maryland Parole Commission.

18 [(e)] (D) “Employment” means an occupation, job, or vocation that is full
19 time or part time for a period exceeding 14 days or for an aggregate period exceeding
20 30 days during a calendar year, whether financially compensated, volunteered, or for
21 the purpose of government or educational benefit.

22 [(f)] (E) “Extended parole supervision offender” means a person who:

23 (1) is a sexually violent predator;

24 (2) has been convicted of a violation of § 3–303, § 3–304, § 3–305,
25 § 3–306(a)(1) or (2), or § 3–307(a)(1) or (2) of the Criminal Law Article;

26 (3) has been convicted of a violation of § 3–309, § 3–310, or § 3–311 of
27 the Criminal Law Article or an attempt to commit a violation of § 3–306(a)(1) or (2) of
28 the Criminal Law Article;

29 (4) has been convicted of a violation of § 3–602 of the Criminal Law
30 Article for commission of a sexual act involving penetration of a child under the age of
31 12 years; or

32 (5) has been convicted more than once of a crime as a [child sexual
33 offender, an offender, or a sexually violent offender] **TIER I SEX OFFENDER, TIER II**
34 **SEX OFFENDER, OR TIER III SEX OFFENDER.**

1 **(F) (1) “HABITUALLY LIVES” MEANS ANY PLACE WHERE A PERSON**
2 **LIVES OR SLEEPS WITH ANY REGULARITY, INCLUDING WHERE A HOMELESS**
3 **PERSON IS STATIONED DURING THE DAY OR SLEEPS AT NIGHT.**

4 **(2) “HABITUALLY LIVES” INCLUDES ANY PLACE WHERE A PERSON**
5 **VISITS FOR LONGER THAN 5 HOURS PER VISIT MORE THAN 5 TIMES WITHIN A**
6 **30-DAY PERIOD, FOR THE PURPOSE OF LIVING OR SLEEPING.**

7 **(G) “HOMELESS” MEANS HAVING NO FIXED RESIDENCE.**

8 **(H) “IMPRISONMENT” MEANS INCARCERATION PURSUANT TO A**
9 **CONVICTION, REGARDLESS OF THE NATURE OF THE INSTITUTION IN WHICH THE**
10 **OFFENDER SERVES THE SENTENCE.**

11 **(I) “JURISDICTION” MEANS A STATE OR A NATIVE AMERICAN TRIBE**
12 **THAT ELECTS TO FUNCTION AS A REGISTRATION JURISDICTION UNDER**
13 **FEDERAL LAW.**

14 **[(g)] (J) “Local law enforcement unit” means the law enforcement unit in a**
15 **county that has been designated by resolution of the county governing body as the**
16 **primary law enforcement unit in the county.**

17 **[(h)] “Offender” means a person who is ordered by a court to register under**
18 **this subtitle and who:**

19 (1) has been convicted of violating § 3-503 of the Criminal Law
20 Article;

21 (2) has been convicted of violating § 3-502 of the Criminal Law Article
22 or the fourth degree sexual offense statute under § 3-308 of the Criminal Law Article,
23 if the victim is under the age of 18 years;

24 (3) has been convicted of the common law crime of false imprisonment,
25 if the victim is under the age of 18 years and the person is not the victim’s parent;

26 (4) has been convicted of a crime that involves soliciting a person
27 under the age of 18 years to engage in sexual conduct;

28 (5) has been convicted of violating the child pornography statute
29 under § 11-207 of the Criminal Law Article;

30 (6) has been convicted of violating any of the prostitution and related
31 crimes statutes under Title 11, Subtitle 3 of the Criminal Law Article if the intended
32 prostitute or victim is under the age of 18 years;

1 (7) has been convicted of a crime that involves conduct that by its
2 nature is a sexual offense against a person under the age of 18 years;

3 (8) has been convicted of an attempt to commit a crime listed in items
4 (1) through (7) of this subsection; or

5 (9) has been convicted in another state or in a federal, military, or
6 Native American tribal court of a crime that, if committed in this State, would
7 constitute one of the crimes listed in items (1) through (8) of this subsection.]

8 **[(i)] (K)** (1) Except as otherwise provided in this subsection, “release”
9 means any type of release from the custody of a supervising authority.

10 (2) “Release” means:

11 (i) release on parole;

12 (ii) mandatory supervision release;

13 (iii) release from a correctional facility with no required period of
14 supervision;

15 (iv) work release;

16 (v) placement on home detention; and

17 (vi) the first instance of entry into the community that is part of
18 a supervising authority’s graduated release program.

19 (3) “Release” does not include:

20 (i) an escape; or

21 (ii) leave that is granted on an emergency basis.

22 **[(j)]** “Sexually violent offender” means a person who:

23 (1) has been convicted of a sexually violent offense;

24 (2) has been convicted of an attempt to commit a sexually violent
25 offense; or

26 (3) (i) has been adjudicated delinquent for an act involving a
27 victim 15 years of age or older that would constitute a violation of § 3–303, § 3–304, §
28 3–305, or § 3–306 of the Criminal Law Article if committed by an adult; and

1 (ii) meets the requirements for registration under § 11–704(c) of
2 this subtitle.]

3 **[(k)] (L)** “Sexually violent offense” means:

4 (1) a violation of §§ 3–303 through 3–307 or §§ 3–309 through 3–312 of
5 the Criminal Law Article;

6 (2) assault with intent to commit rape in the first or second degree or
7 a sexual offense in the first or second degree as prohibited on or before September 30,
8 1996, under former Article 27, § 12 of the Code; or

9 (3) a crime committed in another [state or in a federal, military, or
10 Native American tribal jurisdiction] **JURISDICTION, FEDERAL OR MILITARY**
11 **COURT, OR FOREIGN COUNTRY** that, if committed in this State, would constitute one
12 of the crimes listed in item (1) or (2) of this subsection.

13 **[(l)] (M)** “Sexually violent predator” means[:

14 (1)] a person who:

15 **[(i)] (1)** is convicted of a sexually violent offense; and

16 **[(ii)] (2)** has been determined in accordance with this subtitle
17 to be at risk of committing another sexually violent offense [; or

18 (2) a person who is or was required to register every 90 days for life
19 under the laws of another state or a federal, military, or Native American tribal
20 jurisdiction].

21 **(N)** “**SEX OFFENDER**” MEANS A PERSON WHO HAS BEEN CONVICTED OF:

22 **(1)** AN OFFENSE THAT WOULD REQUIRE THE PERSON TO BE
23 CLASSIFIED AS A TIER I SEX OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX
24 OFFENDER;

25 **(2)** AN OFFENSE COMMITTED IN ANOTHER STATE OR IN A
26 FEDERAL, MILITARY, OR TRIBAL JURISDICTION THAT, IF COMMITTED IN THIS
27 STATE, WOULD REQUIRE THE PERSON TO BE CLASSIFIED AS A TIER I SEX
28 OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER; OR

29 **(3)** AN OFFENSE IN A COURT OF CANADA, GREAT BRITAIN,
30 AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHEN THE
31 UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY
32 REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY

1 GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING
2 THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF COMMITTED IN THIS
3 STATE, WOULD REQUIRE THE PERSON TO BE CLASSIFIED AS A TIER I SEX
4 OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER.

5 (O) "STUDENT" MEANS AN INDIVIDUAL WHO IS ENROLLED IN OR
6 ATTENDS AN EDUCATION INSTITUTION, INCLUDING A PUBLIC OR PRIVATE
7 SECONDARY SCHOOL, TRADE OR PROFESSIONAL SCHOOL, OR AN INSTITUTION
8 OF HIGHER EDUCATION.

9 [(m)] (P) "Supervising authority" means AN AGENCY OR PERSON THAT IS
10 RESPONSIBLE FOR COLLECTING THE INFORMATION FOR THE INITIAL
11 REGISTRATION OF A SEX OFFENDER AND IS:

12 (1) the Secretary, if the registrant is in the custody of a correctional
13 facility operated by the Department;

14 (2) the administrator of a local correctional facility, if the registrant,
15 including a participant in a home detention program, is in the custody of the local
16 correctional facility;

17 (3) the court that granted the probation or suspended sentence, except
18 as provided in item (12) of this subsection, if the registrant is granted probation before
19 judgment, probation after judgment, or a suspended sentence;

20 (4) the Director of the Patuxent Institution, if the registrant is in the
21 custody of the Patuxent Institution;

22 (5) the Secretary of Health and Mental Hygiene, if the registrant is in
23 the custody of a facility operated by the Department of Health and Mental Hygiene;

24 (6) the court in which the registrant was convicted, if the registrant's
25 sentence does not include a term of imprisonment or if the sentence is modified to time
26 served;

27 (7) the Secretary, if the registrant is in the State under terms and
28 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
29 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
30 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

31 (8) the [Secretary, if the registrant moves to this State and was
32 convicted in another state of a crime that would require the registrant to register if the
33 crime was committed in this State] LOCAL LAW ENFORCEMENT UNIT WHERE THE
34 SEX OFFENDER IS A RESIDENT, IS A TRANSIENT, OR HABITUALLY LIVES ON
35 MOVING FROM ANOTHER JURISDICTION OR FOREIGN COUNTRY THAT REQUIRES

1 REGISTRATION IF THE SEX OFFENDER IS NOT UNDER THE SUPERVISION,
2 CUSTODY, OR CONTROL OF ANOTHER SUPERVISING AUTHORITY;

3 [(9) the Secretary, if the registrant moves to this State from another
4 state where the registrant was required to register;

5 (10) the Secretary, if the registrant is convicted in a federal, military, or
6 Native American tribal court and is not under supervision by another supervising
7 authority;

8 (11) the Secretary, if the registrant is not a resident of this State and
9 has been convicted in another state or by a federal, military, or Native American tribal
10 court;

11 (12)] (9) the Director of Parole and Probation, if the registrant is
12 under the supervision of the Division of Parole and Probation; or

13 [(13)] (10) the Secretary of Juvenile Services, if the registrant was a
14 minor at the time the act was committed for which registration is required.

15 (q) "TIER I SEX OFFENDER" MEANS A PERSON WHO HAS BEEN
16 CONVICTED OF:

17 (1) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
18 COMMITTING A VIOLATION OF § 3-308 OF THE CRIMINAL LAW ARTICLE, IF THE
19 VICTIM IS AN ADULT;

20 (2) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
21 COMMITTING A VIOLATION OF § 3-902 OR § 11-208 OF THE CRIMINAL LAW
22 ARTICLE ~~OR THE COMMON LAW OFFENSE OF INDECENT EXPOSURE~~, IF THE
23 VICTIM IS A MINOR;

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

29 ~~(3)~~ (4) A CRIME COMMITTED IN A FEDERAL, MILITARY, TRIBAL,
30 OR OTHER JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD
31 CONSTITUTE ONE OF THE CRIMES LISTED IN ITEM ~~(1) OR (2)~~ (1), (2), OR (3) OF
32 THIS SUBSECTION;

33 ~~(4)~~ (5) ANY OF THE FOLLOWING FEDERAL OFFENSES:

1 (I) MISLEADING DOMAIN NAMES ON THE INTERNET UNDER
2 18 U.S.C. § 2252C;

3 (II) MISLEADING WORDS OR DIGITAL IMAGES ON THE
4 INTERNET UNDER 18 U.S.C. § 2252C;

5 (III) ENGAGING IN ILLICIT CONDUCT IN FOREIGN PLACES
6 UNDER 18 U.S.C. § 2423(C);

7 (IV) FAILURE TO FILE A FACTUAL STATEMENT ABOUT AN
8 ALIEN INDIVIDUAL UNDER 18 U.S.C. § 2424;

9 (V) TRANSMITTING INFORMATION ABOUT A MINOR TO
10 FURTHER CRIMINAL SEXUAL CONDUCT UNDER 18 U.S.C. § 2425;

11 (VI) SEX TRAFFICKING BY FORCE, FRAUD, OR COERCION
12 UNDER 18 U.S.C. § 1591; OR

13 (VII) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT CONDUCT
14 UNDER 18 U.S.C. § 2423(B);

15 ~~(5)~~ (6) ANY MILITARY OFFENSE SPECIFIED BY THE SECRETARY
16 OF DEFENSE UNDER SECTION 115(A)(8)(C)(I) OF PUBLIC LAW 105-119
17 (CODIFIED AT 10 U.S.C. § 951 NOTE) THAT IS SIMILAR TO THOSE OFFENSES
18 LISTED IN ITEM ~~(4)~~ (5) OF THIS SUBSECTION; OR

19 ~~(6)~~ (7) A CRIME IN A COURT OF CANADA, GREAT BRITAIN,
20 AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHERE THE
21 UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY
22 REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY
23 GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING
24 THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF THE CRIME WERE
25 COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED
26 IN ITEMS (1) THROUGH ~~(5)~~ (6) OF THIS SUBSECTION.

27 (R) "TIER II SEX OFFENDER" MEANS A PERSON WHO HAS BEEN
28 CONVICTED OF:

29 (1) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
30 COMMITTING A VIOLATION OF § 3-307(A)(4) OR (5) OF THE CRIMINAL LAW
31 ARTICLE, OR ~~§ 3-308(B) OR (C)~~, § 3-324, § 11-207, OR § 11-209 OF THE
32 CRIMINAL LAW ARTICLE, IF THE VICTIM IS A MINOR;

33 (2) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
34 COMMITTING A VIOLATION OF § 11-303, § 11-305, OR § 11-306 OF THE

1 CRIMINAL LAW ARTICLE, IF THE INTENDED PROSTITUTE OR VICTIM IS A
2 MINOR;

3 (3) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
4 COMMITTING A VIOLATION OF ~~§ 3-308(B)(1) OR (C) § 3-308~~, § 3-314, OR § 3-603
5 OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS A MINOR WHO IS AT LEAST
6 14 YEARS OLD;

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

11 ~~(4)~~ (5) A CRIME THAT WAS COMMITTED IN A FEDERAL,
12 MILITARY, TRIBAL, OR OTHER JURISDICTION THAT, IF COMMITTED IN THIS
13 STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED IN ITEMS (1)
14 THROUGH ~~(3)~~ (4) OF THIS SUBSECTION; OR

15 ~~(5)~~ (6) A CRIME IN A COURT OF CANADA, GREAT BRITAIN,
16 AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHERE THE
17 UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY
18 REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY
19 GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING
20 THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF THE CRIME WERE
21 COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED
22 IN ITEMS (1) THROUGH ~~(3)~~ (4) OF THIS SUBSECTION.

23 (S) "TIER III SEX OFFENDER" MEANS A PERSON WHO HAS BEEN
24 CONVICTED OF:

25 (1) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
26 COMMITTING A VIOLATION OF:

27 (I) ~~§ 2-201(4)(VIII)~~ § 2-201(A)(4)(VIII), (X), OR (XI) OF THE
28 CRIMINAL LAW ARTICLE; OR

29 (II) § 3-303, § 3-304, § 3-305, § 3-306, § 3-307(A)(1) OR (2),
30 § 3-309, § 3-310, § 3-311, § 3-312, § 3-315, ~~§ 3-322~~, § 3-323, § 3-502, OR §
31 3-602 OF THE CRIMINAL LAW ARTICLE, ~~OR THE COMMON LAW OFFENSE OF~~
32 ~~SODOMY;~~

33 (2) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
34 COMMITTING A VIOLATION OF § 3-307(A)(3), § 3-308, § 3-314, § 3-321, § 3-322,

1 **§ 3-503, OR § 3-603 OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS UNDER**
 2 **THE AGE OF 14 YEARS;**

3 **(3) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR**
 4 **COMMITTING THE COMMON LAW OFFENSE OF FALSE IMPRISONMENT, IF THE**
 5 **VICTIM IS A MINOR;**

6 **(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR**
 7 **COMMITTING A VIOLATION OF § 3-202 OR § 3-203 OF THE CRIMINAL LAW**
 8 **ARTICLE, IF THE PERSON IS CHARGED WITH A VIOLATION OF § 3-303, § 3-304, §**
 9 **3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE ARISING OUT OF THE SAME**
 10 **INCIDENT, AND THE COURT MAKES A SPECIFIC FINDING ON THE RECORD THAT**
 11 **THE DEFENDANT’S UNDERLYING INTENT WAS SEXUAL IN NATURE;**

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

16 **~~(5)~~ (6) A CRIME COMMITTED IN A FEDERAL, MILITARY, TRIBAL,**
 17 **OR OTHER JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD**
 18 **CONSTITUTE ONE OF THE CRIMES LISTED IN ITEMS (1) THROUGH ~~(4)~~ (5) OF THIS**
 19 **SUBSECTION; OR**

20 **~~(6)~~ (7) A CRIME IN A COURT OF CANADA, GREAT BRITAIN,**
 21 **AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHERE THE**
 22 **UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY**
 23 **REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY**
 24 **GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING**
 25 **THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF THE CRIME WERE**
 26 **COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED**
 27 **IN ITEMS (1) THROUGH ~~(4)~~ (5) OF THIS SUBSECTION.**

28 **[(n)] (T) “Transient” means a nonresident registrant who enters a county of**
 29 **this State with the intent to be in the State or is in the State for a period exceeding 14**
 30 **days or for an aggregate period exceeding 30 days during a calendar year for a purpose**
 31 **other than employment or to attend an educational institution.**

32 11-702.

33 For the purposes of this subtitle, a person is convicted when the person:

34 (1) is found guilty of a crime by a jury or judicial officer;

35 (2) enters a plea of guilty or nolo contendere;

1 (3) is granted a probation before judgment [after a finding of guilt for
2 a crime if the court, as a condition of probation, orders compliance with the
3 requirements of this subtitle]; or

4 (4) is found not criminally responsible for a crime.

5 11-702.1.

6 (a) Notwithstanding any other provision of law to the contrary, [except as
7 provided in subsection (b) of this section,] this subtitle shall be applied retroactively to
8 include a [registrant convicted of an offense committed before July 1, 1997, and who is
9 under the custody or supervision of a supervising authority on October 1, 2001] **TIER I**
10 **SEX OFFENDER RELEASED AFTER OCTOBER 1, ~~1993~~ 1995, FOR A CRIME**
11 **REQUIRING REGISTRATION UNDER THIS SUBTITLE.**

12 (b) Notwithstanding any other provision of law to the contrary, this subtitle
13 shall be applied retroactively to a [child sexual offender who committed the sexual
14 offense on or before October 1, 1995, and who is under the custody or supervision of a
15 supervising authority on October 1, 2001] **TIER II SEX OFFENDER RELEASED AFTER**
16 **OCTOBER 1, ~~1984~~ 1985.**

17 (c) [(1) Notwithstanding any other provision of law to the contrary, this
18 subtitle shall be applied retroactively to include:

19 (i) a person convicted on or after July 1, 1997, of an offense
20 committed before July 1, 1997, for which registration as a sexually violent predator or
21 sexually violent offender is required under this subtitle; and

22 (ii) a person convicted on or after October 1, 1995, of an offense
23 committed before October 1, 1995, for which registration as a child sexual offender is
24 required under this subtitle.] **NOTWITHSTANDING ANY OTHER PROVISION OF LAW**
25 **TO THE CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO ALL**
26 **TIER III SEX OFFENDERS.**

27 [(2)] **(D)** The Department shall **ATTEMPT TO** contact and notify each
28 person [who is not under the custody or supervision of a supervising authority on
29 October 1, 2009,] for whom registration is required under [paragraph (1) of this
30 subsection] **THIS SECTION.**

31 **(E) THE TERM OF REGISTRATION FOR A SEX OFFENDER REGISTERED**
32 **UNDER SUBSECTION (A) OR (B) OF THIS SECTION SHALL BE CALCULATED FROM**
33 **THE DATE OF RELEASE.**

34 11-703.

1 (a) (1) Subject to subsections (b) and (c) of this section, if a person is
2 convicted of a sexually violent offense, the State's Attorney before sentencing may ask
3 the court to determine whether the person is a sexually violent predator.

4 (2) If the State's Attorney makes a request under paragraph (1) of this
5 subsection, the court shall determine, before or at sentencing, whether the person is a
6 sexually violent predator.

7 (b) In making a determination under subsection (a) of this section, the court
8 shall consider:

9 (1) evidence that the court considers appropriate to the determination
10 of whether the person is a sexually violent predator, including the presentencing
11 investigation and sexually violent offender's inmate record;

12 (2) evidence introduced by the person convicted; and

13 (3) at the request of the State's Attorney, evidence that a victim of the
14 sexually violent offense presents.

15 (c) The State's Attorney may not ask a court to determine whether a person
16 is a sexually violent predator under this section unless the State's Attorney serves
17 written notice of intent to make the request on the defendant or the defendant's
18 counsel at least 30 days before trial.

19 11-704.

20 (a) [Subject to subsection (c) of this section, a] **A** person shall register with
21 the person's supervising authority if the person is:

22 (1) [a child sexual offender] **A TIER I SEX OFFENDER;**

23 (2) [an offender] **A TIER II SEX OFFENDER;**

24 (3) [a sexually violent offender] **A TIER III SEX OFFENDER; OR**

25 (4) [a sexually violent predator];

26 (5) a child sexual offender who, before moving into this State, was
27 required to register in another state or by a federal, military, or Native American
28 tribal court for a crime that occurred before October 1, 1995;

29 (6) an offender, sexually violent offender, or sexually violent predator
30 who, before moving into this State, was required to register in another state or by a
31 federal, military, or Native American tribal court for a crime that occurred before July
32 1, 1997; or

1 (7) a child sexual offender, offender, sexually violent offender, or
 2 sexually violent predator] A **SEX OFFENDER** who is required to register [in] **BY**
 3 another [state,] **JURISDICTION, A FEDERAL, MILITARY, OR TRIBAL COURT, OR A**
 4 **FOREIGN GOVERNMENT, AND** who is not a resident of this State, and who enters this
 5 State:

6 (i) **TO BEGIN RESIDING OR TO HABITUALLY LIVE;**

7 **(II)** to carry on employment;

8 **[(ii)] (III)** to attend a public or private educational institution,
 9 including a secondary school, trade or professional institution, or institution of higher
 10 education, as a full-time or part-time student; or

11 **[(iii)] (IV)** as a transient.

12 (b) Notwithstanding any other provision of law, a person is no longer subject
 13 to registration under this subtitle if:

14 (1) the underlying conviction requiring registration is reversed,
 15 vacated, or set aside; or

16 (2) the registrant is pardoned for the underlying conviction.

17 ~~f(c)~~ (1) A person ~~described under § 11-701(e)(5)(i) of this subtitle, or a~~
 18 ~~person described under § 11-701(j)(3)(i) of this subtitle~~ **WHO HAS BEEN**
 19 **ADJUDICATED DELINQUENT FOR AN ACT THAT, IF COMMITTED BY AN ADULT,**
 20 **WOULD CONSTITUTE A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF**
 21 **THE CRIMINAL LAW ARTICLE, OR § 3-307(A)(1) OR (2) OR § 3-308(B)(1) OF THE**
 22 **CRIMINAL LAW ARTICLE INVOLVING CONDUCT DESCRIBED IN § 3-301(F)(2) OF**
 23 **THE CRIMINAL LAW ARTICLE**, shall register with the person's supervising authority
 24 if:

25 (i) the person was a minor who was at least 13 years old at the
 26 time the delinquent act was committed;

27 (ii) the State's Attorney or the Department of Juvenile Services
 28 requests that the person be required to register;

29 (iii) 90 days prior to the time the juvenile court's jurisdiction
 30 over the person terminates under § 3-8A-07 of the Courts Article, the court, after a
 31 hearing, determines under a clear and convincing evidence standard that the person is
 32 at significant risk of committing a sexually violent offense or an offense for which
 33 registration as a ~~child sexual~~ **TIER II OR TIER III SEX** offender is required; and

34 (iv) the person is at least 18 years old.

1 (2) If the person has committed a delinquent act that would cause the
 2 court to make a determination regarding registration under paragraph (1) of this
 3 subsection:

4 (i) the State's Attorney shall serve written notice to the person
 5 or the person's counsel at least 30 days before a hearing to determine if the person is
 6 required to register under this section; and

7 (ii) the Department of Juvenile Services shall:

8 1. provide the court with any information necessary to
 9 make the determination; and

10 2. conduct any follow-up the court requires.

11 (3) The form of petitions and all other pleadings under this subsection
 12 and, except as otherwise provided under Title 3 of the Courts and Judicial Proceedings
 13 Article, the procedures to be followed by the court under this subsection shall be
 14 specified in the Maryland Rules.

15 (4) The court may order an evaluation of the person in making the
 16 determination under paragraph (1) of this subsection.†

17 **11-704.1.**

18 ~~A PERSON WHO IS UNDER THE AGE OF 18 AT THE TIME THE PERSON~~
 19 ~~COMMITTS AN OFFENSE THAT REQUIRES REGISTRATION AS A TIER I SEX~~
 20 ~~OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER MUST REGISTER~~
 21 ~~IF:~~

22 ~~(1) CRIMINAL JURISDICTION OVER THE PERSON HAS BEEN~~
 23 ~~WAIVED TO AN ADULT COURT AND THE PERSON HAS BEEN CONVICTED AS~~
 24 ~~REQUIRED BY THIS SUBTITLE;~~

25 ~~(2) THE PERSON IS AT LEAST 14 YEARS OLD AND HAS BEEN~~
 26 ~~ADJUDICATED DELINQUENT FOR A VIOLATION OF § 3-303, § 3-304, § 3-305, OR~~
 27 ~~§ 3-306 OF THE CRIMINAL LAW ARTICLE; OR~~

28 ~~(3) THE PERSON IS AT LEAST 14 YEARS OLD AND HAS BEEN~~
 29 ~~ADJUDICATED DELINQUENT FOR A VIOLATION OF § 3-307(A)(1) OR~~
 30 ~~§ 3-307(A)(2) OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS A CHILD~~
 31 ~~UNDER THE AGE OF 12.~~

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

4 **(1) THE PERSON HAS BEEN ADJUDICATED DELINQUENT FOR AN**
5 **ACT THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A VIOLATION OF §**
6 **3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE, OR §**
7 **3-307(A)(1) OR (2) OR § 3-308(B)(1) OF THE CRIMINAL LAW ARTICLE**
8 **INVOLVING CONDUCT DESCRIBED IN § 3-301(F)(2) OF THE CRIMINAL LAW**
9 **ARTICLE; AND**

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

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

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

18 **11-704.2.**

19 **(A) ON WRITTEN REQUEST BY A FEDERAL AGENCY OPERATING A**
20 **FEDERAL WITNESS SECURITY PROGRAM ESTABLISHED UNDER 18 U.S.C. 3521,**
21 **THE REGISTRATION REQUIREMENT FOR A SEX OFFENDER UNDER THE**
22 **PROTECTION OF A FEDERAL WITNESS SECURITY PROGRAM IS WAIVED AND THE**
23 **PERSON UNDER PROTECTION IS EXEMPT FROM REGISTRATION.**

24 **(B) ON WRITTEN REQUEST BY A NONFEDERAL AGENCY THAT OPERATES**
25 **A WITNESS PROTECTION PROGRAM COMPARABLE TO A FEDERAL PROGRAM**
26 **ESTABLISHED UNDER 18 U.S.C. 3521, THE REGISTRATION REQUIREMENT FOR A**
27 **SEX OFFENDER UNDER THE PROTECTION OF A WITNESS PROTECTION PROGRAM**
28 **IS WAIVED AND THE PERSON UNDER PROTECTION IS EXEMPT FROM**
29 **REGISTRATION.**

30 **(C) A WAIVER GRANTED UNDER THIS SECTION IS TERMINATED, AND**
31 **REGISTRATION IS REQUIRED, IF A SEX OFFENDER EXEMPTED FROM**
32 **REGISTRATION UNDER THIS SECTION SUBSEQUENTLY IS CONVICTED OF AN**
33 **OFFENSE THAT REQUIRES REGISTRATION UNDER THIS SUBTITLE.**

34 **11-705.**

1 (a) In this section, “resident” means a person who [lives] **HAS A HOME OR**
 2 ~~AN OTHER PLACE THAT~~ **WHERE THE PERSON HABITUALLY LIVES LOCATED** in
 3 this State when the person:

4 (1) is released;

5 (2) is granted probation;

6 (3) is granted a suspended sentence; ~~OR~~

7 (4) receives a sentence that does not include a term of imprisonment~~;~~

8 or

9 (5) is released from the juvenile court’s jurisdiction under § 3–8A–07
 10 of the Courts Article, if the person was a minor who lived in the State at the time the
 11 act was committed for which registration is required~~;~~.

12 (b) A registrant shall register with the **APPROPRIATE** supervising authority
 13 **IN THE STATE:**

14 (1) [if the registrant is a resident, on or] **IF THE REGISTRANT WAS**
 15 **SENTENCED TO A TERM OF IMPRISONMENT** before the date that the registrant[:] **IS**
 16 **RELEASED; OR**

17 **(2) WITHIN 3 DAYS OF THE DATE THAT THE REGISTRANT:**

18 [(i) is released;]

19 [(ii) **(I)** is granted probation before judgment;

20 [(iii) **(II)** is granted probation after judgment;

21 [(iv) **(III)** is granted a suspended sentence; or

22 [(v) **(IV)** receives a sentence that does not include a term of
 23 imprisonment;

24 ~~;~~**(2)** if the registrant was a resident who was a minor at the time the
 25 act was committed for which registration is required, within ~~7~~ **3** days after the juvenile
 26 court’s jurisdiction over the person terminates under § 3–8A–07 of the Courts Article;~~;~~

27 (3) if the registrant moves into the State, within ~~[7]~~ **3** days after the
 28 earlier of the date that the registrant:

29 (i) establishes a temporary or permanent residence in the
 30 State; **[or]**

- 1 (ii) **BEGINS TO HABITUALLY LIVE IN THE STATE; OR**
- 2 **(III)** applies for a driver's license in the State; or
- 3 (4) if the registrant is not a resident, within [14] **3** days after the
4 registrant:
- 5 (i) begins employment in the State;
- 6 (ii) registers as a student in the State; or
- 7 (iii) enters the State as a transient.
- 8 (c) (1) A [child sexual] **SEX** offender shall also register in person with the
9 local law enforcement unit of ~~the~~ **EACH** county where the [child sexual] **SEX** offender
10 [will reside] **RESIDES WITHIN 3 DAYS OF:**
- 11 (i) [within 7 days after release, or within 7 days after the
12 juvenile court's jurisdiction over the person terminates under § 3-8A-07 of the Courts
13 Article, if the child sexual offender is a resident] **RELEASE FROM ANY PERIOD OF**
14 **IMPRISONMENT OR ARREST; or**
- 15 (ii) [within 7 days] ~~after~~ registering with the supervising
16 authority, if the registrant is moving into this State **AND THE LOCAL LAW**
17 **ENFORCEMENT UNIT IS NOT THE SUPERVISING AUTHORITY.**
- 18 (2) [Within 7 days after registering with the supervising authority, a
19 child sexual offender who is not a resident and has entered the State under
20 § 11-704(a)(7) of this subtitle shall also register in person with the local law
21 enforcement unit of the county where the child sexual offender is a transient or will
22 work or attend school.
- 23 (3) A child sexual offender] **A SEX OFFENDER** may be required to give
24 to the local law enforcement unit more information than required under § 11-706 of
25 this subtitle.
- 26 (d) **(1) A HOMELESS REGISTRANT ALSO SHALL REGISTER IN PERSON**
27 **WITH THE LOCAL LAW ENFORCEMENT UNIT IN ~~THE~~ EACH COUNTY WHERE THE**
28 **REGISTRANT HABITUALLY LIVES:**
- 29 **(I) WITHIN 3 DAYS AFTER THE EARLIER OF THE DATE OF**
30 **RELEASE OR AFTER REGISTERING WITH THE SUPERVISING AUTHORITY; AND**
- 31 **(II) WITHIN 24 HOURS AFTER ENTERING AND REMAINING IN**
32 **A COUNTY.**

1 **(2) AFTER INITIALLY REGISTERING WITH THE LOCAL LAW**
2 **ENFORCEMENT UNIT UNDER THIS SUBSECTION, A HOMELESS REGISTRANT**
3 **SHALL REGISTER ONCE A WEEK IN PERSON DURING THE TIME THE HOMELESS**
4 **REGISTRANT HABITUALLY LIVES IN THE COUNTY.**

5 **(3) THE REGISTRATION REQUIREMENTS UNDER THIS**
6 **SUBSECTION ARE IN ADDITION TO ANY OTHER REQUIREMENTS THE HOMELESS**
7 **REGISTRANT IS SUBJECT TO ACCORDING TO THE REGISTRANT'S**
8 **CLASSIFICATION AS A TIER I SEX OFFENDER, TIER II SEX OFFENDER, TIER III**
9 **SEX OFFENDER, OR SEXUALLY VIOLENT PREDATOR.**

10 **(4) IF A REGISTRANT WHO WAS HOMELESS OBTAINS A FIXED**
11 **ADDRESS, THE REGISTRANT SHALL REGISTER WITH THE APPROPRIATE**
12 **SUPERVISING AUTHORITY AND LOCAL LAW ENFORCEMENT UNIT WITHIN 3 DAYS**
13 **AFTER OBTAINING A FIXED ADDRESS.**

14 **(E) [A] WITHIN 3 DAYS OF ANY CHANGE, A registrant [who changes**
15 **residences shall send written notice of the change to the State registry within 5 days**
16 **after the change occurs.] SHALL NOTIFY THE LOCAL LAW ENFORCEMENT UNIT**
17 **WHERE THE REGISTRANT MOST RECENTLY REGISTERED AND THE LOCAL LAW**
18 **ENFORCEMENT UNIT WHERE THE REGISTRANT WILL RESIDE OR HABITUALLY**
19 **LIVE OF CHANGES IN:**

20 **(1) RESIDENCE;**

21 **(2) THE COUNTY IN WHICH THE REGISTRANT HABITUALLY LIVES;**

22 **(3) VEHICLE OR LICENSE PLATE INFORMATION;**

23 **(4) ELECTRONIC MAIL OR INTERNET IDENTIFIERS;**

24 **(5) HOME OR CELL PHONE NUMBERS; OR**

25 **(6) EMPLOYMENT.**

26 **[(e)] (F) (1) A registrant who commences or terminates enrollment as a**
27 **full-time or part-time student at an institution of higher education in the State shall**
28 **[send written notice to the State registry] PROVIDE NOTICE IN PERSON TO THE**
29 **LOCAL LAW ENFORCEMENT UNIT WHERE THE INSTITUTION OF HIGHER**
30 **EDUCATION IS LOCATED within [5] 3 days after the commencement or termination**
31 **of enrollment.**

32 **(2) A registrant who commences or terminates carrying on**
33 **employment at an institution of higher education in the State shall [send written**

1 notice to the State registry] PROVIDE NOTICE IN PERSON TO THE LOCAL LAW
2 ENFORCEMENT UNIT WHERE THE INSTITUTION OF HIGHER EDUCATION IS
3 LOCATED within [5] 3 days after the commencement or termination of employment.

4 [f] (G) A registrant who is granted a legal change of name by a court shall
5 send written notice of the change to the [State registry] LOCAL LAW ENFORCEMENT
6 UNIT WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES within [5] 3 days
7 after the change is granted.

8 (H) A REGISTRANT SHALL NOTIFY THE LOCAL LAW ENFORCEMENT UNIT
9 WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES AT LEAST 3 DAYS
10 PRIOR TO LEAVING THE UNITED STATES TO COMMENCE RESIDENCE OR
11 EMPLOYMENT OR ATTEND SCHOOL IN A FOREIGN COUNTRY.

12 (I) (1) A REGISTRANT SHALL NOTIFY THE LOCAL LAW
13 ENFORCEMENT UNIT WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES
14 WHEN THE REGISTRANT OBTAINS A TEMPORARY RESIDENCE OR ALTERS THE
15 LOCATION WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES FOR MORE
16 THAN ~~7~~ 5 DAYS OR WHEN THE REGISTRANT WILL BE ABSENT FROM THE
17 REGISTRANT'S RESIDENCE OR LOCATION WHERE THE REGISTRANT RESIDES OR
18 HABITUALLY LIVES FOR MORE THAN 7 DAYS.

19 (2) NOTIFICATION UNDER THIS SUBSECTION SHALL:

20 (I) BE MADE IN WRITING OR IN PERSON PRIOR TO
21 OBTAINING A TEMPORARY RESIDENCE, COMMENCING THE PERIOD OF ABSENCE,
22 OR TEMPORARILY ALTERING THE LOCATION WHERE THE REGISTRANT RESIDES
23 OR HABITUALLY LIVES;

24 (II) INCLUDE THE TEMPORARY ADDRESS OR DETAILED
25 DESCRIPTION OF THE TEMPORARY LOCATION WHERE THE REGISTRANT WILL
26 RESIDE OR HABITUALLY LIVE; AND

27 (III) CONTAIN THE ANTICIPATED DATES THAT THE
28 TEMPORARY RESIDENCE OR LOCATION WILL BE USED BY THE REGISTRANT AND
29 THE ANTICIPATED DATES THAT THE REGISTRANT WILL BE ABSENT FROM THE
30 REGISTRANT'S PERMANENT RESIDENCE OR LOCATION WHERE THE REGISTRANT
31 REGULARLY RESIDES OR HABITUALLY LIVES.

32 11-706.

33 (a) [A] FOR ALL SEX OFFENDERS IN THE STATE, A registration statement
34 shall include:

1 (1) the registrant's full name, including any suffix, and ~~address OR~~
2 ~~PLACE~~ **ALL ADDRESSES AND PLACES** WHERE THE REGISTRANT RESIDES OR
3 **HABITUALLY LIVES;**

4 (2) [(i) for a registrant under § 11-704(a)(7)(i) of this subtitle or
5 who is on work release, the registrant's place of employment; or] **THE NAME AND**
6 **ADDRESS OF EACH OF THE REGISTRANT'S EMPLOYER EMPLOYERS** AND A
7 **DESCRIPTION OF ~~THE~~ EACH LOCATION WHERE THE REGISTRANT PERFORMS**
8 **EMPLOYMENT DUTIES, IF THAT LOCATION DIFFERS FROM THE ADDRESS OF THE**
9 **EMPLOYER;**

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

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

15 (ii) for a registrant who carries on employment, or expects to
16 carry on employment, at an institution of higher education in the State, the name and
17 address of the institution of higher education] **THE NAME OF THE REGISTRANT'S**
18 **EDUCATIONAL INSTITUTION OR PLACE OF SCHOOL ENROLLMENT AND THE**
19 **REGISTRANT'S EDUCATIONAL INSTITUTION OR SCHOOL ADDRESS;**

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

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

22 (6) the jurisdiction **AND THE NAME OF THE COURT** in which the
23 registrant was convicted;

24 (7) a list of any aliases, former names, **NAMES BY WHICH THE**
25 **REGISTRANT LEGALLY HAS BEEN KNOWN, TRADITIONAL NAMES GIVEN BY**
26 **FAMILY OR CLAN UNDER ETHNIC OR TRIBAL TRADITION,** electronic mail
27 addresses, computer log-in or screen names or identities, instant-messaging
28 identities, and electronic chat room identities that the registrant has used;

29 (8) the registrant's Social Security number **AND ANY PURPORTED**
30 **SOCIAL SECURITY NUMBERS, THE REGISTRANT'S DATE OF BIRTH, ~~OR~~**
31 **PURPORTED DATES OF BIRTH, AND PLACE OF BIRTH;**

32 (9) [any other name by which the registrant has been legally known]
33 ~~ANY~~ **ALL IDENTIFYING FACTORS, INCLUDING A PHYSICAL DESCRIPTION;**

1 (10) [a copy of the registrant's valid driver's license or identification
2 card;] **A COPY OF THE REGISTRANT'S PASSPORT OR IMMIGRATION PAPERS;**

3 (11) **INFORMATION REGARDING ANY PROFESSIONAL LICENSES
4 THE REGISTRANT HOLDS;**

5 ~~[(11)] (12) the license plate number OR REGISTRATION NUMBER~~
6 **NUMBER, REGISTRATION NUMBER,** and description of any vehicle, **INCLUDING ALL**
7 **MOTOR VEHICLES, BOATS, AND AIRCRAFT,** owned or regularly operated by the
8 registrant; [and]

9 (13) **THE PERMANENT OR FREQUENT ~~ADDRESS~~ ADDRESSES OR**
10 **LOCATIONS WHERE ALL VEHICLES ARE KEPT;**

11 (14) **ALL LANDLINE AND CELLULAR TELEPHONE NUMBERS AND**
12 **ANY OTHER DESIGNATIONS USED BY THE SEX OFFENDER FOR THE PURPOSES OF**
13 **ROUTING OR SELF-IDENTIFICATION IN TELEPHONIC COMMUNICATIONS;**
14 ~~**LANDLINE TELEPHONE NUMBERS, AND CELL PHONE NUMBERS;**~~

15 (15) **A COPY OF THE REGISTRANT'S VALID DRIVER'S LICENSE OR**
16 **IDENTIFICATION CARD;**

17 (16) **THE REGISTRANT'S FINGERPRINTS AND PALM PRINTS;**

18 (17) **THE CRIMINAL HISTORY OF THE SEX OFFENDER, INCLUDING:**
19 **THE ~~DATE~~ DATES OF ALL ARRESTS AND CONVICTIONS, THE STATUS OF PAROLE,**
20 **PROBATION, OR SUPERVISED RELEASE, ~~REGISTRATION STATUS,~~ AND THE**
21 **EXISTENCE OF ANY OUTSTANDING ARREST WARRANTS; AND**

22 ~~[(12)] (18) the registrant's signature and date signed.~~

23 (b) If the registrant is **DETERMINED TO BE** a sexually violent predator, the
24 registration statement shall also include:

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

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

27 **AND**

28 [(3) offense history; and]

29 [(4)] (2) documentation of treatment received for a mental
30 abnormality or personality disorder.

1 (a) (1) (i) A [child sexual] **TIER I SEX OFFENDER AND A TIER II SEX**
 2 offender shall register in person every 6 months with a local law enforcement unit for
 3 the term provided under paragraph (4) of this subsection.

4 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
 5 that shall be updated every 6 months.

6 (2) (i) [An offender and a sexually violent] **A TIER III SEX**
 7 offender shall register in person every [6] **3** months with a local law enforcement unit
 8 for the term provided under paragraph (4) of this subsection.

9 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
 10 that shall be updated every 6 months.

11 (3) (i) A sexually violent predator shall register in person every 3
 12 months **WITH A LOCAL LAW ENFORCEMENT UNIT** for the term provided under
 13 paragraph [(4)(ii)] **(4)** of this subsection.

14 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
 15 that shall be updated every 6 months.

16 (4) [The] **SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE**
 17 term of registration is:

18 (i) [except as provided in items (ii) and (iii) of this paragraph,
 19 10 years] **15 YEARS, IF THE REGISTRANT IS A TIER I SEX OFFENDER;**

20 **(II) 25 YEARS, IF THE REGISTRANT IS A TIER II SEX**
 21 **OFFENDER; ~~OR~~**

22 [(ii)] **(III)** [except as provided in item (iii) of this paragraph,] the
 23 life of the registrant, if[:

24 1. the registrant is a sexually violent predator;

25 2. the registrant has been convicted of a sexually violent
 26 offense;

27 3. the registrant has been convicted of a violation of
 28 § 3-602 of the Criminal Law Article for commission of a sexual act involving
 29 penetration of a child under the age of 12 years; or

30 4. the registrant has been convicted of a prior crime as a
 31 child sexual offender, an offender, or a sexually violent offender; or] **THE**
 32 **REGISTRANT IS A TIER III SEX OFFENDER; OR**

1 ~~[(iii)]~~ **(IV)** up to 5 years, if the registrant is a person described
 2 under § ~~11-701(e)(5)(i) of this subtitle or a person described under § 11-701(j)(3)(i)~~
 3 **11-704(C)(1)** of this subtitle, subject to reduction by the juvenile court on the filing of
 4 a petition by the registrant for a reduction in the term of registration.†

5 (5) A registrant who is not a resident of the State shall register for the
 6 appropriate time specified in this subsection or until the registrant's employment,
 7 student enrollment, or transient status in the State ends.

8 (b) A term of registration described in this section shall be computed from:

9 (1) the last date of release;

10 (2) the date granted probation; ~~OR~~

11 (3) the date granted a suspended sentence†; or

12 (4) the date the juvenile court's jurisdiction over the registrant
 13 terminates under § 3-8A-07 of the Courts Article if the registrant was a minor who
 14 lived in the State at the time the act was committed for which registration is
 15 required†.

16 **(C) ~~(1)~~ THE TERM OF REGISTRATION FOR A TIER I SEX OFFENDER**
 17 **SHALL BE REDUCED TO 10 YEARS IF, IN THE 10 YEARS FOLLOWING THE DATE ON**
 18 **WHICH THE REGISTRANT WAS REQUIRED TO REGISTER, THE REGISTRANT:**

19 **~~(I)~~ (1) IS NOT CONVICTED OF ANY OFFENSE FOR WHICH A**
 20 **TERM OF IMPRISONMENT OF MORE THAN 1 YEAR MAY BE IMPOSED;**

21 **~~(II)~~ (2) IS NOT CONVICTED OF ANY SEX OFFENSE;**

22 **~~(III)~~ (3) SUCCESSFULLY COMPLETES, WITHOUT REVOCATION,**
 23 **ANY PERIOD OF SUPERVISED RELEASE, PAROLE, OR PROBATION; AND**

24 **~~(IV)~~ (4) SUCCESSFULLY COMPLETES AN APPROPRIATE SEX**
 25 **OFFENDER TREATMENT PROGRAM CERTIFIED BY THE STATE.**

26 **~~(2) THE TERM OF REGISTRATION FOR A REGISTRANT CONVICTED~~**
 27 **~~OF A TIER III SEX OFFENSE, WHO WAS REQUIRED TO REGISTER ON THE BASIS~~**
 28 **~~OF A JUVENILE ADJUDICATION, SHALL BE REDUCED TO 25 YEARS IF, IN THE 25~~**
 29 **~~YEARS FOLLOWING THE DATE ON WHICH THE REGISTRANT WAS REQUIRED TO~~**
 30 **~~REGISTER, THE REGISTRANT:~~**

31 **~~(I) IS NOT CONVICTED OF ANY OFFENSE FOR WHICH A~~**
 32 **~~TERM OF IMPRISONMENT OF MORE THAN 1 YEAR MAY BE IMPOSED;~~**

- 1 ~~(H) IS NOT CONVICTED OF ANY SEX OFFENSE;~~
2 ~~(II) SUCCESSFULLY COMPLETES, WITHOUT REVOCATION,~~
3 ~~ANY PERIOD OF SUPERVISED RELEASE, PAROLE, OR PROBATION; AND~~
4 ~~(IV) SUCCESSFULLY COMPLETES AN APPROPRIATE SEX~~
5 ~~OFFENDER TREATMENT PROGRAM CERTIFIED BY THE STATE.~~

6 11-708.

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

- 8 (1) give written notice to the registrant of the requirements of this
9 subtitle;
10 (2) explain the requirements of this subtitle to the registrant,
11 including:

12 (i) the duties of a registrant when the registrant changes
13 residence address in this State **OR CHANGES THE COUNTY IN WHICH THE**
14 **REGISTRANT HABITUALLY LIVES;**

15 (ii) the duties of a registrant under [§ 11-705(e) and (f)]
16 **§ 11-705** of this subtitle;

17 (iii) the requirement for a [child sexual] **SEX** offender to register
18 in person with the local law enforcement unit of the county where the [child sexual]
19 **SEX** offender will reside or where the [child sexual] **SEX** offender who is not a resident
20 of this State is a transient or will work or attend school; and

21 (iv) the requirement that if the registrant changes residence
22 address, employment, or school enrollment to another state that has a registration
23 requirement, the registrant shall register with the designated law enforcement unit
24 **OR SEX OFFENDER REGISTRATION UNIT** of that state within [7] **3** days after the
25 change; and

26 (3) obtain a statement signed by the registrant acknowledging that
27 the supervising authority explained the requirements of this subtitle and gave written
28 notice of the requirements to the registrant.

29 (b) (1) The supervising authority shall obtain an updated [photograph
30 and fingerprints] **DIGITAL IMAGE, FINGERPRINTS, AND PALM PRINTS** of the
31 registrant and [attach] **FORWARD** the updated [photograph and fingerprints]
32 **DIGITAL IMAGE, FINGERPRINTS, AND PALM PRINTS** to the [registration statement]
33 **DEPARTMENT.**

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

5 (i) obtain a DNA sample from the registrant at the registrant’s
6 initial registration; and

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

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

11 (c) (1) Within **[5] 3** days after obtaining a registration statement, the
12 supervising authority shall send a copy of the registration statement with the attached
13 fingerprints **[and updated photograph], PALM PRINTS, AND UPDATED DIGITAL**
14 **IMAGE** of the registrant to the local law enforcement unit in ~~the~~ **EACH** county where
15 the registrant will reside **OR HABITUALLY LIVE** or where a registrant who is not a
16 resident is a transient or will work or attend school.

17 (2) (i) If the registrant is enrolled in or carries on employment at,
18 or is expecting to enroll in or carry on employment at, an institution of higher
19 education in the State, within **[5] 3** days after obtaining a registration statement, the
20 supervising authority shall send a copy of the registration statement with the attached
21 fingerprints **[and updated photograph], PALM PRINTS, AND UPDATED DIGITAL**
22 **IMAGE** of the registrant to the campus police agency of the institution of higher
23 education.

24 (ii) If an institution of higher education does not have a campus
25 police agency, the copy of the registration statement with the attached fingerprints
26 **[and updated photograph], PALM PRINTS, AND UPDATED DIGITAL IMAGE** of the
27 registrant shall be provided to the local law enforcement agency having primary
28 jurisdiction for the campus.

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

32 11–709.

33 (a) (1) (i) **[Every 3 months within 5] WITHIN 3** days after a **TIER III**
34 **SEX OFFENDER OR A** sexually violent predator completes the registration
35 requirements of § 11–707(a) of this subtitle, a local law enforcement unit shall send

1 notice of the **TIER III SEX OFFENDER'S OR** sexually violent predator's quarterly
2 registration to the Department.

3 (ii) Every 6 months within [5] **3** days after a [child sexual
4 offender] **TIER I SEX OFFENDER OR A TIER II SEX OFFENDER** completes the
5 registration requirements of § 11-707(a) of this subtitle, a local law enforcement unit
6 shall send notice of the [child sexual offender's] **TIER I SEX OFFENDER'S OR A TIER**
7 **II SEX OFFENDER'S** biannual registration to the Department.

8 (2) Every 6 months, a local law enforcement unit shall send a [child
9 sexual] **TIER III SEX** offender's and sexually violent predator's updated [photograph]
10 **DIGITAL IMAGE** to the Department within 6 days after the [photograph] **DIGITAL**
11 **IMAGE** is submitted.

12 (b) (1) As soon as possible but not later than [5] **3** working days after
13 receiving a registration statement of a [child sexual offender or] **SEX OFFENDER,**
14 notice of a change of address of a [child sexual] **SEX** offender, **OR CHANGE IN THE**
15 **COUNTY IN WHICH A HOMELESS SEX OFFENDER HABITUALLY LIVES,** a local law
16 enforcement unit shall send written notice of the registration statement [or], change
17 of address, **OR CHANGE OF COUNTY** to the county superintendent, as defined in
18 § 1-101 of the Education Article, and all nonpublic primary and secondary schools in
19 the county within 1 mile of where the [child sexual] **SEX** offender is to reside **OR**
20 **HABITUALLY LIVE** or where a [child sexual] **SEX** offender who is not a resident of the
21 State is a transient or will work or attend school.

22 (2) As soon as possible but not later than 10 working days after
23 receiving notice from the local law enforcement unit under paragraph (1) of this
24 subsection, the county superintendent shall send written notice of the registration
25 statement to principals of the schools under the superintendent's supervision that the
26 superintendent considers necessary to protect the students of a school from a [child
27 sexual] **SEX** offender.

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

31 (1) is to reside **OR HABITUALLY LIVE** in the municipal corporation
32 after release;

33 (2) escapes from a facility but resided **OR HABITUALLY LIVED** in the
34 municipal corporation before being committed to the custody of a supervising
35 authority; or

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

1 (d) As soon as possible but not later than **[5] 3** working days after receiving
2 notice from a local law enforcement unit under this section, a police department of a
3 municipal corporation shall send a copy of the notice to the commander of the local
4 police precinct or district in which the **[child sexual] SEX** offender is to reside **OR**
5 **HABITUALLY LIVE** or where a **[child sexual] SEX** offender who is not a resident of the
6 State will work or attend school.

7 (e) As soon as possible but not later than **[5] 3** working days after receiving a
8 notice from a supervising authority under this subtitle, a local law enforcement unit
9 shall send a copy of the notice to the commander of the law enforcement unit in the
10 district or area in which the **[child sexual] SEX** offender is to reside **OR HABITUALLY**
11 **LIVE** or where a **[child sexual] SEX** offender who is not a resident of the State will
12 work or attend school.

13 (f) A local law enforcement unit may notify the following entities that are
14 located within the community in which a **[child sexual] SEX** offender is to reside **OR**
15 **HABITUALLY LIVE** or where a **[child sexual] SEX** offender who is not a resident of the
16 State will work or attend school of the filing of a registration statement or notice of
17 change of address **OR COUNTY WHERE THE REGISTRANT WILL HABITUALLY LIVE**
18 by the **[child sexual] SEX** offender:

19 (1) family day care homes or child care centers registered **[or**
20 **licensed]**, **LICENSED, OR ISSUED A LETTER OF COMPLIANCE** under Title 5, Subtitle
21 5 of the Family Law Article;

22 (2) child recreation facilities;

23 (3) faith institutions; and

24 (4) other organizations that serve children and other individuals
25 vulnerable to **[child sexual] SEX** offenders **WHO VICTIMIZE CHILDREN**.

26 **(G) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS**
27 **AFTER RECEIPT OF A REGISTRANT'S CHANGE OF RESIDENCE OR CHANGE IN THE**
28 **COUNTY IN WHICH THE REGISTRANT HABITUALLY LIVES, THE LOCAL LAW**
29 **ENFORCEMENT UNIT SHALL NOTIFY THE DEPARTMENT OF THE CHANGE.**

30 **(H) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS**
31 **AFTER RECEIPT OF NOTICE UNDER § 11-705(E) OF THIS SUBTITLE, THE LOCAL**
32 **LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE**
33 **REGISTRANT'S INTENT TO CHANGE RESIDENCE, THE COUNTY IN WHICH THE**
34 **REGISTRANT HABITUALLY LIVES, VEHICLE OR LICENSE PLATE INFORMATION,**
35 **ELECTRONIC MAIL OR INTERNET IDENTIFIERS, OR ~~HOME OR CELL~~ LANDLINE OR**
36 **CELLULAR PHONE NUMBERS.**

1 **(I) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS**
 2 **AFTER RECEIPT OF NOTICE UNDER § 11-705(G) OF THIS SUBTITLE, THE LOCAL**
 3 **LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE**
 4 **CHANGE OF NAME.**

5 **(J) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS**
 6 **AFTER RECEIPT OF NOTICE UNDER § 11-705(H) OF THIS SUBTITLE, THE LOCAL**
 7 **LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE**
 8 **REGISTRANT'S INTENT TO LEAVE THE UNITED STATES.**

9 **(K) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS**
 10 **AFTER RECEIPT OF NOTICE UNDER § 11-705(I) OF THIS SUBTITLE, THE LOCAL**
 11 **LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE**
 12 **REGISTRANT'S INTENT TO OBTAIN TEMPORARY LODGING OR TO BE ABSENT**
 13 **FROM THE REGISTRANT'S PERMANENT RESIDENCE OR ~~LOCATION~~ LOCATIONS**
 14 **WHERE THE REGISTRANT HABITUALLY LIVES.**

15 11-710.

16 (a) As soon as possible but not later than **[5] 3** working days after receipt of
 17 notice of a registrant's change of address, **THE COUNTY IN WHICH THE REGISTRANT**
 18 **HABITUALLY LIVES, VEHICLE OR LICENSE PLATE INFORMATION, ELECTRONIC**
 19 **MAIL OR INTERNET IDENTIFIERS, OR ~~HOME OR CELL~~ LANDLINE OR CELLULAR**
 20 **PHONE NUMBERS,** the Department shall give notice of the change:

21 (1) if the registration is premised on a conviction under federal,
 22 military, or Native American tribal law, to the designated federal unit; **[and]**

23 (2) **TO ANY OTHER JURISDICTION OR FOREIGN COUNTRY WHERE**
 24 **THE SEX OFFENDER IS REQUIRED TO REGISTER; AND**

25 **(3) (i) to the local law enforcement unit in whose county the new**
 26 **residence is located OR WHERE THE REGISTRANT INTENDS TO HABITUALLY LIVE;**
 27 **or**

28 (ii) if the new residence **OR LOCATION WHERE THE**
 29 **REGISTRANT WILL HABITUALLY LIVE** is in a different state that has a registration
 30 requirement, to the designated law enforcement unit **OR SEX OFFENDER**
 31 **REGISTRATION UNIT** in that state.

32 (b) (1) (i) As soon as possible but not later than **[5] 3** working days
 33 after receipt of notice under **[§ 11-705(e)] § 11-705(F)** of this subtitle, the
 34 Department shall give notice to the campus police agency of the institution of higher
 35 education where the registrant is commencing or terminating enrollment or
 36 employment.

1 (ii) If an institution of higher education does not have a campus
2 police agency, the notice required under this section shall be provided to the local law
3 enforcement [agency] UNIT having primary [jurisdiction] LAW ENFORCEMENT
4 AUTHORITY for the campus.

5 (2) Institutions of higher education currently required to disclose
6 campus security policy and campus crime statistics data shall advise the campus
7 community where law enforcement agency information provided by a state concerning
8 registered sex offenders may be obtained.

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

12 (c) As soon as possible but not later than [5] 3 working days after receipt of
13 notice under [§ 11-705(f)] § 11-705(G) of this subtitle, the Department shall give
14 notice of the change of name:

15 (1) if the registration is due to a conviction under federal, military, or
16 Native American tribal law, to the designated federal unit;

17 (2) to ~~the~~ EACH local law enforcement unit in whose county the
18 registrant resides OR HABITUALLY LIVES or where a registrant who is not a resident
19 of the State will work or attend school; and

20 (3) if the registrant is enrolled in or employed at an institution of
21 higher education in the State, to:

22 (i) the campus police agency of the institution of higher
23 education; or

24 (ii) if the institution does not have a campus police agency, the
25 local law enforcement [agency] UNIT having primary jurisdiction for the campus.

26 11-712.

27 (a) If a registrant escapes from a facility, the supervising authority of the
28 facility by the most reasonable and expedient means available shall immediately
29 notify:

30 (1) ~~the~~ EACH local law enforcement unit [in the jurisdiction] where
31 the registrant resided OR HABITUALLY LIVED before the registrant was committed to
32 the custody of the supervising authority; and

33 (2) each person who is entitled to receive notice under § 11-715(a) of
34 this subtitle.

1 (b) If the registrant is recaptured, the supervising authority shall send
2 notice, as soon as possible but not later than 2 working days after the supervising
3 authority learns of the recapture, to:

4 (1) ~~the~~ **EACH** local law enforcement unit [in the jurisdiction] where
5 the registrant resided **OR HABITUALLY LIVED** before the registrant was committed to
6 the custody of the supervising authority; and

7 (2) each person who is entitled to receive notice under § 11-715(a) of
8 this subtitle.

9 11-713.

10 The Department:

11 (1) as soon as possible but not later than [5] **3** working days after
12 receiving the conviction data and fingerprints of a registrant, shall transmit the data
13 and fingerprints to the Federal Bureau of Investigation if the Bureau does not have
14 that information;

15 (2) shall keep a central registry of registrants AND A LISTING OF
16 JUVENILE SEX OFFENDERS;

17 (3) shall reimburse local law enforcement units for the cost of
18 processing the registration statements of registrants, including the cost of taking
19 fingerprints [and photographs], **PALM PRINTS, AND DIGITAL IMAGES**; [and]

20 (4) shall reimburse local law enforcement units for the reasonable
21 costs of implementing community notification procedures;

22 **(5) SHALL BE RESPONSIBLE FOR RECEIVING AND DISTRIBUTING**
23 **ALL INTRASTATE, FEDERAL, AND FOREIGN GOVERNMENT COMMUNICATIONS**
24 **RELATING TO THE REGISTRATION OF SEX OFFENDERS; AND**

25 **(6) SHALL NOTIFY ALL JURISDICTIONS WHERE THE REGISTRANT**
26 **WILL RESIDE, CARRY ON EMPLOYMENT, OR ATTEND SCHOOL WITHIN 3 DAYS OF**
27 **CHANGES IN THE REGISTRANT'S REGISTRATION.**

28 11-714.

29 A registration statement given to a person under this subtitle shall include a
30 copy of the completed registration form and a copy of the registrant's [photograph]
31 **DIGITAL IMAGE**, but need not include the fingerprints **OR PALM PRINTS** of the
32 registrant.

1 11-717.

2 (a) (1) The Department shall make available to the public registration
3 statements or information about registration statements.

4 (2) Information about registration statements shall include, in plain
5 language that can be understood without special knowledge of the criminal laws of the
6 State, a FACTUAL description of the crime of the offender that is the basis for the
7 registration, excluding details that would identify the victim.

8 **(3) REGISTRATION INFORMATION PROVIDED TO THE PUBLIC MAY
9 NOT INCLUDE A SEX OFFENDER'S SOCIAL SECURITY NUMBER, DRIVER'S
10 LICENSE NUMBER, MEDICAL OR THERAPEUTIC TREATMENT, TRAVEL AND
11 IMMIGRATION DOCUMENT NUMBERS, AND ARRESTS NOT RESULTING IN
12 CONVICTION.**

13 (b) The Department ~~may~~ SHALL post on the Internet:

14 **(1) a current listing of each registrant's name, crime, and other
15 identifying information; AND**

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

20 (c) The Department, through an Internet posting of current registrants,
21 shall:

22 **(1) allow the public to electronically transmit information the public
23 may have about a registrant to the Department, a parole agent of a registrant, and the
24 local law enforcement unit where a registrant resides OR HABITUALLY LIVES or
25 where a registrant who is not a resident of the State will work or attend school; AND**

26 **(2) PROVIDE INFORMATION REGARDING THE OUT-OF-STATE
27 REGISTRATION STATUS FOR EACH REGISTRANT WHO IS ALSO REGISTERED IN
28 ANOTHER STATE AS AVAILABLE THROUGH A NATIONAL SEX OFFENDER PUBLIC
29 REGISTRY WEBSITE ~~OR THROUGH THE NATIONAL CRIME PREVENTION AND
30 PRIVACY COMPACT UNDER TITLE 10, SUBTITLE 2, PART V OF THIS ARTICLE.~~**

31 (d) The Department shall allow members of the public who live in ~~the~~ A
32 county in which ~~the~~ A registrant is to reside **OR HABITUALLY LIVES LIVE** or where
33 the registrant, if not a resident of the State, will work or attend school, by request, to
34 receive electronic mail notification of the release from incarceration of ~~a~~ THE
35 registered offender and the registration information of the offender.

1 (e) The Department shall establish regulations to carry out this section.

2 11-718.

3 (a) (1) If the Department or a local law enforcement unit finds that, to
4 protect the public from a specific registrant, it is necessary to give notice of a
5 registration statement [or], a change of address of the registrant, **OR A CHANGE IN**
6 **THE COUNTY IN WHICH THE REGISTRANT HABITUALLY RESIDES** to a particular
7 person not otherwise identified under § 11-709 of this subtitle, then the Department
8 or a local law enforcement unit shall give notice of the registration statement to that
9 person.

10 (2) This notice is in addition to the notice required under
11 § 11-709(b)(1) of this subtitle.

12 11-721.

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

16 (b) A person who violates this section:

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

20 (2) for a second or subsequent offense, is guilty of a felony and on
21 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
22 \$10,000 or both.

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That on or before December
26 31, 2010, the Department of Public Safety and Correctional Services, in consultation
27 with the Department of State Police, shall adopt regulations to implement the listing
28 of juvenile sex offenders in accordance with this Act, including a definition of "law
29 enforcement personnel" who are authorized to access the listing.

30 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That if any provision of this
31 Act or the application thereof to any person or circumstance is held invalid for any
32 reason in a court of competent jurisdiction, the invalidity does not affect other
33 provisions or any other application of this Act which can be given effect without the
34 invalid provision or application, and for this purpose the provisions of this Act are
35 declared severable.

1 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.