

HOUSE BILL 1523

E2

8lr2988

By: **Delegates Jackson, Chang, and McConkey**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Domestic Violence Offender Registry**

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services
4 to establish and maintain the Domestic Violence Offender Registry; requiring the
5 Registry to be updated in a certain manner and to include certain information;
6 specifying the contents of the Registry; requiring a certain person convicted a certain
7 number of times of a domestically related crime to register with a certain county
8 sheriff; exempting a person from registration under certain circumstances; requiring
9 a person who is required to register under this Act to register within a certain period
10 of time; requiring a registrant to provide certain information for registration;
11 requiring the county sheriff to obtain a certain digital image of a person registering
12 under this Act; requiring a registrant to update certain information in a certain
13 manner; establishing that a certain registration shall remain in effect for a certain
14 period of time; requiring the county sheriff to forward certain registration
15 information to the Department; requiring Registry information to be made public in
16 a certain manner; establishing a procedure by which a person may obtain an order
17 exempting the person from a certain registration requirement; prohibiting a person
18 who is subject to registration under this Act from knowingly failing to register or
19 provide accurate information when registering; establishing penalties for a violation
20 of this Act; defining certain terms; and generally relating to the establishment of a
21 domestic violence offender registry.

22 BY repealing and reenacting, without amendments,
23 Article – Criminal Procedure
24 Section 6–233(a)
25 Annotated Code of Maryland
26 (2008 Replacement Volume and 2017 Supplement)

27 BY adding to
28 Article – Criminal Procedure
29 Section 11–1101 through 11–1108 to be under the new subtitle “Subtitle 11.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Domestic Violence Offender Registry”
2 Annotated Code of Maryland
3 (2008 Replacement Volume and 2017 Supplement)

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

6 **Article – Criminal Procedure**

7 6–233.

8 (a) In this section, “domestically related crime” means a crime committed by a
9 defendant against a victim who is a person eligible for relief, as defined in § 4–501 of the
10 Family Law Article, or who had a sexual relationship with the defendant within 12 months
11 before the commission of the crime.

12 **SUBTITLE 11. DOMESTIC VIOLENCE OFFENDER REGISTRY.**

13 **11–1101.**

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) “DOMESTICALLY RELATED CRIME” HAS THE MEANING STATED IN §
17 6–233 OF THIS ARTICLE.

18 (C) “REGISTRANT” MEANS A PERSON REQUIRED TO REGISTER UNDER §
19 11–1104 OF THIS SUBTITLE.

20 (D) “REGISTRY” MEANS THE DOMESTIC VIOLENCE OFFENDER REGISTRY
21 ESTABLISHED UNDER § 11–1103 OF THIS SUBTITLE.

22 (E) “RELEASE” HAS THE MEANING STATED IN § 11–701 OF THIS TITLE.

23 (F) “SUPERVISING AUTHORITY” MEANS ONE OF THE FOLLOWING AGENCIES
24 OR PERSONS THAT IS RESPONSIBLE FOR COLLECTING THE INFORMATION FOR THE
25 INITIAL REGISTRATION OF A REGISTRANT:

26 (1) THE SECRETARY, IF THE REGISTRANT IS IN THE CUSTODY OF A
27 CORRECTIONAL FACILITY OPERATED BY THE DEPARTMENT;

28 (2) THE ADMINISTRATOR OF A LOCAL CORRECTIONAL FACILITY, IF
29 THE REGISTRANT, INCLUDING A PARTICIPANT IN A HOME DETENTION PROGRAM, IS
30 IN THE CUSTODY OF THE LOCAL CORRECTIONAL FACILITY;

1 **(3) THE COURT THAT GRANTED THE PROBATION OR SUSPENDED**
2 **SENTENCE, EXCEPT AS PROVIDED IN ITEM (9) OF THIS SUBSECTION, IF THE**
3 **REGISTRANT IS GRANTED PROBATION BEFORE JUDGMENT, PROBATION AFTER**
4 **JUDGMENT, OR A SUSPENDED SENTENCE;**

5 **(4) THE DIRECTOR OF THE PATUXENT INSTITUTION, IF THE**
6 **REGISTRANT IS IN THE CUSTODY OF THE PATUXENT INSTITUTION;**

7 **(5) THE SECRETARY OF HEALTH, IF THE REGISTRANT IS IN THE**
8 **CUSTODY OF A FACILITY OPERATED BY THE MARYLAND DEPARTMENT OF HEALTH;**

9 **(6) THE COURT IN WHICH THE REGISTRANT WAS CONVICTED, IF THE**
10 **REGISTRANT'S SENTENCE DOES NOT INCLUDE A TERM OF IMPRISONMENT OR IF THE**
11 **SENTENCE IS MODIFIED TO TIME SERVED;**

12 **(7) THE SECRETARY, IF THE REGISTRANT IS IN THE STATE UNDER**
13 **TERMS AND CONDITIONS OF THE INTERSTATE COMPACT FOR ADULT OFFENDER**
14 **SUPERVISION, SET FORTH IN TITLE 6, SUBTITLE 2 OF THE CORRECTIONAL**
15 **SERVICES ARTICLE, OR THE INTERSTATE CORRECTIONS COMPACT, SET FORTH IN**
16 **TITLE 8, SUBTITLE 6 OF THE CORRECTIONAL SERVICES ARTICLE;**

17 **(8) THE LOCAL LAW ENFORCEMENT UNIT WHERE THE REGISTRANT IS**
18 **A RESIDENT, IS A TRANSIENT, OR HABITUALLY LIVES AFTER MOVING FROM**
19 **ANOTHER JURISDICTION OR FOREIGN COUNTRY THAT REQUIRES REGISTRATION, IF**
20 **THE REGISTRANT IS NOT UNDER SUPERVISION, CUSTODY, OR CONTROL OF**
21 **ANOTHER SUPERVISING AUTHORITY;**

22 **(9) THE DIRECTOR OF PAROLE AND PROBATION, IF THE REGISTRANT**
23 **IS UNDER THE SUPERVISION OF THE DIVISION OF PAROLE AND PROBATION; OR**

24 **(10) THE SECRETARY OF JUVENILE SERVICES, IF THE REGISTRANT**
25 **WAS A MINOR AT THE TIME THE ACT FOR WHICH REGISTRATION IS REQUIRED WAS**
26 **COMMITTED.**

27 **11-1102.**

28 **FOR THE PURPOSES OF THIS SUBTITLE, A PERSON IS CONVICTED WHEN THE**
29 **PERSON:**

30 **(1) IS FOUND GUILTY OF A CRIME BY A JURY OR JUDICIAL OFFICER;**
31 **OR**

32 **(2) ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE.**

1 **11-1103.**

2 (A) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A CENTRAL
3 COMPUTERIZED REGISTRY OF ALL PERSONS WHO ARE REQUIRED TO REGISTER IN
4 ACCORDANCE WITH § 11-1104 OF THIS SUBTITLE, TO BE KNOWN AS THE DOMESTIC
5 VIOLENCE OFFENDER REGISTRY.

6 (B) THE REGISTRY SHALL BE UPDATED BASED ON INFORMATION MADE
7 AVAILABLE TO THE DEPARTMENT, INCLUDING INFORMATION ACQUIRED IN
8 ACCORDANCE WITH THE REGISTRATION PROVISIONS OF §§ 11-1104 AND 11-1105
9 OF THIS SUBTITLE.

10 (C) FOR EACH REGISTRANT, THE REGISTRY SHALL INCLUDE:

11 (1) THE REGISTRANT'S NAME;

12 (2) THE REGISTRANT'S RESIDENTIAL ADDRESS;

13 (3) THE DATE AND A DESCRIPTION OF THE CRIMES FOR WHICH
14 REGISTRATION IS REQUIRED; AND

15 (4) A DIGITAL IMAGE OF THE REGISTRANT'S HEAD AND SHOULDERS
16 TAKEN IN FULL-FACE VIEW.

17 **11-1104.**

18 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON
19 CONVICTED THREE OR MORE TIMES OF A DOMESTICALLY RELATED CRIME SHALL
20 REGISTER WITH THE COUNTY SHERIFF FOR THE COUNTY IN WHICH THE PERSON
21 RESIDES ON OR BEFORE THE DATE THAT THE PERSON:

22 (1) IS RELEASED;

23 (2) IS GRANTED PROBATION;

24 (3) IS GRANTED A SUSPENDED SENTENCE; OR

25 (4) RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF
26 IMPRISONMENT.

27 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON IS NO
28 LONGER SUBJECT TO REGISTRATION UNDER THIS SUBTITLE IF:

1 (1) ALL UNDERLYING CONVICTIONS REQUIRING REGISTRATION ARE
2 REVERSED, VACATED, OR SET ASIDE;

3 (2) THE REGISTRANT IS PARDONED FOR ALL UNDERLYING
4 CONVICTIONS; OR

5 (3) SUBJECT TO § 11-1107 OF THIS SUBTITLE, THE CIRCUIT COURT IN
6 THE COUNTY IN WHICH THE PERSON RESIDES ENTERS AN ORDER EXEMPTING THE
7 PERSON FROM THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE.

8 11-1105.

9 (A) A REGISTRANT SHALL PROVIDE THE COUNTY SHERIFF WITH THE
10 FOLLOWING INFORMATION:

11 (1) THE REGISTRANT'S LEGAL NAME;

12 (2) THE REGISTRANT'S CURRENT ADDRESS OR LOCATION;

13 (3) THE CRIMES FOR WHICH THE REGISTRANT WAS CONVICTED; AND

14 (4) THE DATES AND LOCATIONS OF THE CRIMES.

15 (B) THE COUNTY SHERIFF SHALL OBTAIN A DIGITAL IMAGE OF THE
16 REGISTRANT'S HEAD AND SHOULDERS TAKEN IN FULL-FACE VIEW.

17 (C) A REGISTRANT SHALL UPDATE THE REGISTRANT'S REGISTRATION
18 INFORMATION:

19 (1) ANNUALLY; AND

20 (2) TO REFLECT ANY CHANGE IN ADDRESS WITHIN 10 DAYS OF THE
21 CHANGE.

22 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
23 REGISTRATION UNDER THIS SUBTITLE SHALL REMAIN IN EFFECT FOR A PERIOD OF
24 15 YEARS FOLLOWING EITHER THE DATE OF THE LATEST CONVICTION OR DATE OF
25 RELEASE FROM THE LATEST PERIOD OF INCARCERATION, WHICHEVER IS LATER.

26 (2) THE PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION
27 SHALL BE EXTENDED AN ADDITIONAL 20 YEARS FOR EACH CONVICTION FOR A
28 DOMESTICALLY RELATED CRIME THAT OCCURS AFTER THE INITIAL REGISTRATION.

1 (E) THE COUNTY SHERIFF SHALL FORWARD ALL REGISTRATION
2 INFORMATION TO THE DEPARTMENT.

3 11-1106.

4 INFORMATION CONTAINED IN THE DOMESTIC VIOLENCE OFFENDER
5 REGISTRY SHALL BE MADE AVAILABLE TO THE PUBLIC THROUGH THE INTERNET,
6 BY TELEPHONE, BY WRITTEN ACCESS, AND IN PERSON.

7 11-1107.

8 (A) A PERSON WHO WOULD OTHERWISE BE REQUIRED TO REGISTER UNDER
9 § 11-1104 OF THIS SUBTITLE MAY PETITION THE CIRCUIT COURT IN THE COUNTY IN
10 WHICH THE PERSON RESIDES FOR AN ORDER EXEMPTING THE PERSON FROM THE
11 REGISTRATION REQUIREMENTS OF THIS SUBTITLE.

12 (B) (1) (I) THE CIRCUIT COURT MAY ENTER AN ORDER EXEMPTING A
13 PERSON FROM THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE IF THE
14 COURT FINDS THAT:

15 1. THE CIRCUMSTANCES OF EACH OF THE
16 DOMESTICALLY RELATED CRIMES, IN CONJUNCTION WITH THE PERSON'S CRIMINAL
17 HISTORY, DO NOT INDICATE A RISK THAT THE PERSON WILL COMMIT ANOTHER
18 DOMESTICALLY RELATED CRIME; AND

19 2. THE PERSON IS NOT A DANGER TO OTHERS.

20 (II) THE CIRCUIT COURT SHALL SPECIFY IN WRITING THE
21 REASONS FOR ITS FINDINGS.

22 (2) ON MAKING THE FINDINGS DESCRIBED IN PARAGRAPH (1) OF
23 THIS SUBSECTION, THE CIRCUIT COURT SHALL ENTER AN ORDER EXEMPTING THE
24 PERSON FROM THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE AND
25 ORDERING THE DEPARTMENT TO REMOVE THE PERSON'S REGISTRATION
26 INFORMATION FROM THE REGISTRY.

27 11-1108.

28 (A) A PERSON WHO IS SUBJECT TO REGISTRATION UNDER § 11-1104 OF
29 THIS SUBTITLE MAY NOT KNOWINGLY:

30 (1) FAIL TO REGISTER WITH THE COUNTY SHERIFF; OR

1 **(2) FAIL TO PROVIDE ACCURATE INFORMATION WHEN REGISTERING**
2 **UNDER § 11-1104 OF THIS SUBTITLE.**

3 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
4 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,000.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2018.