

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 847
Judiciary

(Delegate Cox)

Criminal Procedure - Registered Sex Offenders - Residency Restrictions

This bill prohibits a specified sex offender registrant from residing within 1,000 feet of a school, a child care facility, a park, a playground, a designated school bus stop, or a place where children regularly congregate. The bill's provisions are applicable only to a sex offender registrant who is required to register based on an offense committed when the registrant was at least age 21 and that involved a victim younger than age 18. A violator is guilty of a misdemeanor and on conviction subject to maximum penalties of five years imprisonment and/or a \$5,000 fine. The bill applies prospectively only and may not be applied or interpreted to have any effect on or application to any person required to register as a sex offender before July 1, 2021. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. Enforcement can be handled with existing resources.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's penalty provisions. Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: Generally, a person convicted of a sex crime or other specified crime in Maryland, including kidnapping and false imprisonment under specified circumstances, is required to register with the State sex offender registry upon release from prison or release from court if the person does not receive a prison sentence. Offenders who are required to

register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in their home state are required to register in Maryland if the crime would have required registration in Maryland if committed in Maryland. The registry is maintained by the Department of Public Safety and Correctional Services.

Unless otherwise specified in statute, a registrant may not knowingly enter onto real property (1) that is used for public or nonpublic elementary or secondary education or (2) on which a registered family child care home, a licensed child care home or child care institution, or a home used for informal child care is located. A violator is guilty of a misdemeanor and subject to maximum penalties of five years imprisonment and/or a \$5,000 fine.

The prohibition does not apply if the registrant is a student, parent of a student, or parent of a child that receives child care, if (1) within the past year the registrant has been given the specific written permission of the Superintendent of Schools, the local school board, the principal of the school, or the owner or operator of the registered family child care home, licensed child care home, or licensed child care institution, as applicable and (2) the registrant promptly notifies an agent or employee of the school, home, or institution of the registrant's presence and purpose of visit. The prohibition also does not apply for the purpose of voting at a school on Election Day if the registrant is properly registered to vote and the registrant's polling place is at the school.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Howard, Montgomery, and Prince George's counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of State Police; Department of Public Safety and Correctional Services; Department of Legislative Services

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