
By: Delegates Dembrow and Doory

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CHAPTER ____

1 AN ACT concerning

2 Child Sexual Offenders - ~~Required Notice of Registration~~

3 FOR the purpose of requiring certain supervising authorities to notify the Department of
4 Public Safety and Correctional Services of ~~the release of certain actions relating to~~
5 child sexual offenders; altering provisions of law to require certain child sexual
6 offenders to register with a certain supervising authority, instead of the local law
7 enforcement agency; altering provisions of law to require the Department, instead
8 of a local law enforcement agency, to be responsible for registering certain child
9 sexual offenders and the receipt, maintenance, and dissemination of certain notices,
10 records, and registration statements; requiring the Department to notify certain law
11 enforcement agencies of a registration; altering provisions to require the
12 Department of Public Safety and Correctional Services to make certain notifications
13 of registration statements regarding child sexual offenders to certain organizations
14 and persons under certain circumstances; ~~requiring the notification of any other~~
15 ~~person or organization that may serve to protect the public concerning a specific~~
16 ~~child sexual offender~~; allowing local law enforcement agencies to make certain
17 disclosures; prohibiting the disclosure of the identity of the victim of an offense that
18 requires registration of the offender; providing that certain disclosures may not be
19 construed to limit or prohibit other disclosures; requiring the Department to
20 establish certain procedures; providing for the contents of the registration
21 statement that is provided to certain persons; requiring the supervising authority to
22 obtain a photograph and fingerprints of the child sexual offender and include copies
23 of them in the registration statement; requiring the supervising authority to send the
24 registration statement to the Department; altering certain time periods; requiring
25 the Department to reimburse supervising authorities for the cost of processing the
26 registration statement; requiring the Department to transmit the conviction data
27 and fingerprints of a child sexual offender to the Federal Bureau of Investigation;
28 requiring the Department to provide the name and address of a child sexual

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1 offender to a person who requests such information in writing; and generally
2 relating to ~~notification of~~ the registration of child sexual offenders.

3 BY repealing and reenacting, with amendments,
4 Article 27 - Crimes and Punishments
5 Section 792(b)(1) ~~and (d), (c), (d), (g), (h), (i), and (j)~~
6 Annotated Code of Maryland
7 (1996 Replacement Volume)

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

10 **Article 27 - Crimes and Punishments**

11 792.

12 (b) (1) (I) Subject to paragraph (2) of this subsection, on the earlier of the
13 date that the child sexual offender is released, is granted probation before judgment, is
14 granted probation after judgment, is granted a suspended sentence, or receives a sentence
15 that does not include a term of imprisonment the supervising authority shall send written
16 notice of the release of the child sexual offender to the local law enforcement agency in
17 the county where the offender will reside.

18 (II) IF THE SUPERVISING AUTHORITY IS NOT THE DEPARTMENT OF
19 PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE SUPERVISING AUTHORITY
20 SHALL ALSO NOTIFY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
21 SERVICES.

22 (c) (1) In this subsection, "resident" means a person who lives in this State at
23 the time the person:

24 (i) Is released;

25 (ii) Is granted probation before judgment;

26 (iii) Is granted probation after judgment;

27 (iv) Is granted a suspended sentence; or

28 (v) Receives a sentence that does not include a term of imprisonment.

29 (2) A child sexual offender shall register with the [local law enforcement
30 agency] SUPERVISING AUTHORITY:

31 (i) If the child sexual offender is a resident, within 7 days after:

32 1. Being released;

33 2. Being granted probation before judgment;

34 3. Being granted probation after judgment;

35 4. Being granted a suspended sentence; or

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1 5. Receiving a sentence that does not include a term of
2 imprisonment; or

3 (ii) If the child sexual offender is not a resident, within 7 days after the
4 earlier of:

5 1. Establishing a temporary or permanent residence in this
6 State; or

7 2. Applying for a driver's license in this State.

8 (d) (1) Subject to paragraph (3) of this subsection, as soon as possible and in no
9 event later than 5 working days after receiving a registration statement, [a local law
10 enforcement agency] THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
11 SERVICES shall send written notice of the registration statement to ~~the~~:

12 (I) THE county superintendent, as defined in § 1-101 of the Education
13 Article, in the county where the child sexual offender will reside; AND

14 (II) THE LOCAL LAW ENFORCEMENT AGENCY OF THE COUNTY
15 WHERE THE CHILD SEXUAL OFFENDER WILL RESIDE AND, IF APPLICABLE, A
16 MUNICIPAL POLICE FORCE.

17 (2) As soon as possible and in no event later than 5 working days after
18 receiving notice from the [local law enforcement agency] DEPARTMENT under
19 paragraph (1) of this subsection, a county superintendent shall send written notice of the
20 registration statement to the principals of the schools within the supervision of the
21 superintendent.

22 (3) In addition to the notice required under paragraph (1) of this
23 subsection, [a local law enforcement agency may] THE DEPARTMENT OF PUBLIC
24 SAFETY AND CORRECTIONAL SERVICES SHALL provide notice of a registration
25 statement to ~~the following organizations OR PERSONS~~ ANY PERSON OR ORGANIZATION
26 THAT THE DEPARTMENT DETERMINES MAY SERVE TO PROTECT THE PUBLIC
27 CONCERNING A SPECIFIC CHILD SEXUAL OFFENDER if the [agency] DEPARTMENT
28 determines that such notice is necessary to protect the public [interest] ~~CONCERNING A~~
29 ~~SPECIFIC CHILD SEXUAL OFFENDER.~~

30 ~~(i) A community organization;~~

31 ~~(ii) A religious organization; [and]~~

32 ~~(iii) Any other organization that relates to children or youth; AND~~

33 ~~(IV) ANY OTHER PERSON OR ORGANIZATION THAT THE~~
34 ~~DEPARTMENT DETERMINES MAY SERVE TO PROTECT THE PUBLIC CONCERNING A~~
35 ~~SPECIFIC CHILD SEXUAL OFFENDER.~~

36 (4) IN ADDITION TO THE DEPARTMENT OF PUBLIC SAFETY AND
37 CORRECTIONAL SERVICES, A LOCAL LAW ENFORCEMENT AGENCY MAY ALSO MAKE
38 THE DISCLOSURES REQUIRED UNDER THIS SUBSECTION.

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1 [(4)] (5) (I) A local law enforcement agency AND THE DEPARTMENT OF
 2 PUBLIC SAFETY AND CORRECTIONAL SERVICES shall establish procedures for carrying
 3 out the notification requirements of paragraph (3) of this subsection, including the
 4 circumstances under and manner in which notification shall be provided.

5 (II) A LOCAL LAW ENFORCEMENT AGENCY AND THE
 6 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES MAY NOT
 7 RELEASE THE IDENTITY OF A VICTIM OF AN OFFENSE THAT REQUIRES
 8 REGISTRATION UNDER THIS SECTION.

9 (6) A DISCLOSURE UNDER THIS SUBSECTION MAY NOT BE CONSTRUED
 10 TO LIMIT OR PROHIBIT ANY OTHER DISCLOSURE PERMITTED OR REQUIRED UNDER
 11 LAW.

12 (7) (I) EXCEPT FOR A REGISTRATION STATEMENT PROVIDED TO A
 13 LAW ENFORCEMENT AGENCY, A REGISTRATION STATEMENT PROVIDED TO A
 14 PERSON OR ORGANIZATION UNDER THIS SECTION SHALL INCLUDE THE
 15 COMPLETED REGISTRATION FORM AND A COPY OF A PHOTOGRAPH OF THE CHILD
 16 SEXUAL OFFENDER, BUT NEED NOT INCLUDE THE OFFENDER'S FINGERPRINTS.

17 (II) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
 18 SERVICES SHALL PROVIDE A LOCAL LAW ENFORCEMENT AGENCY WITH THE
 19 COMPLETED REGISTRATION FORM AND THE CHILD SEXUAL OFFENDER'S
 20 PHOTOGRAPH AND FINGERPRINTS.

21 [(5)] (~~7~~) (8) An elected public official, public employee, or public agency
 22 is immune from civil liability for damages arising out of any action relating to the
 23 provisions of this subsection, unless it is shown that the official, employee, or agency
 24 acted with gross negligence or in bad faith.

25 (g) (1) Registration shall consist of a statement signed by a child sexual
 26 offender which shall include:

27 (i) The child sexual offender's name, address, and place of
 28 employment;

29 (ii) A description of the crime for which the child sexual offender was
 30 convicted, granted probation before judgment, or found not criminally responsible;

31 (iii) The date that the child sexual offender was convicted, granted
 32 probation before judgment, or found not criminally responsible;

33 (iv) The jurisdiction in which the child sexual offender was convicted,
 34 granted probation before judgment, or found not criminally responsible;

35 (v) A list of any aliases that have been used by the child sexual
 36 offender; and

37 (vi) The child sexual offender's Social Security number.

38 (2) The [local law enforcement agency] SUPERVISING AUTHORITY shall
 39 obtain a photograph and fingerprints of the child sexual offender and include copies of
 40 the photograph and fingerprints in the registration statement.

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1 (3) (i) As soon as possible and in no event later than [3] 5 working days
 2 after registration is completed, the [local law enforcement agency] SUPERVISING
 3 AUTHORITY shall send [a copy of] the registration statement to the Department of
 4 Public Safety and Correctional Services.

5 (ii) The Department of Public Safety and Correctional Services shall
 6 maintain a central registry of child sexual offenders.

7 (iii) The Department of Public Safety and Correctional Services shall
 8 reimburse the [local law enforcement agencies] SUPERVISING AUTHORITIES for the
 9 cost of processing the registration statements of child sexual offenders, including the
 10 taking of fingerprints and photographs.

11 (4) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 5 WORKING
 12 DAYS AFTER RECEIVING THE CONVICTION DATA AND FINGERPRINTS OF A CHILD
 13 SEXUAL OFFENDER, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
 14 SERVICES SHALL TRANSMIT THE DATA AND FINGERPRINTS TO THE FEDERAL
 15 BUREAU OF INVESTIGATION IF THE BUREAU DOES NOT HAVE THAT INFORMATION.

16 [(4)] (5) (i) Subject to subparagraph (ii) of this paragraph, upon written
 17 request to [a local law enforcement agency, the agency] THE DEPARTMENT OF PUBLIC
 18 SAFETY AND CORRECTIONAL SERVICES, THE DEPARTMENT shall send a copy of a
 19 registration statement to the person who submitted the request.

20 (ii) A request for a copy of a registration statement under
 21 subparagraph (i) of this paragraph shall contain:

22 1. The name and address of the person submitting the request;
 23 and

24 2. The reason for requesting the information.

25 (iii) [A local law enforcement agency] THE DEPARTMENT OF PUBLIC
 26 SAFETY AND CORRECTIONAL SERVICES shall keep records of all written requests
 27 received under subparagraph (i) of this paragraph.

28 [(5)] (6) An elected public official, public employee, or public agency is
 29 immune from civil liability for damages arising out of any action relating to the provisions
 30 of this subsection, unless it is shown that the official, employee, or agency acted with gross
 31 negligence or in bad faith.

32 (h) (1) If a child sexual offender changes residences, the offender shall send
 33 written notice of the change within 7 days after the change occurs to the [local law
 34 enforcement agency with whom the offender last registered] DEPARTMENT OF PUBLIC
 35 SAFETY AND CORRECTIONAL SERVICES.

36 (2) As soon as possible and in no event later than [3] 5 working days after
 37 receipt of the notice, [the local law enforcement agency shall give notice of the change
 38 to] the Department of Public Safety and Correctional Services SHALL GIVE NOTICE OF
 39 THE CHANGE TO THE LOCAL LAW ENFORCEMENT AGENCY OF THE COUNTY[, and if
 40 the new residence is in a different jurisdiction, to the local law enforcement agency] in
 41 whose jurisdiction the new residence is located.

1 (i) A child sexual offender shall register with [a local law enforcement agency]
2 THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES annually for
3 10 years after:

4 (1) The last date of release;

5 (2) The offender is granted probation before judgment, probation after
6 judgment, or a suspended sentence; or

7 (3) The offender receives a sentence that does not include a term of
8 imprisonment.

9 (j) If a child sexual offender will reside after release in a municipal corporation
10 that has a police department, or, in the case where a child sexual offender escapes from
11 a facility and the offender resided, before the offender was committed to the custody of
12 a supervising authority, in a municipal corporation that has a police department, [a local
13 law enforcement agency with which a child sexual offender registers or sends a change in
14 registration under this section] THE DEPARTMENT OF PUBLIC SAFETY AND
15 CORRECTIONAL SERVICES shall send a copy of the registration statement or change in
16 registration to the police department of the municipal corporation.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1997.