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## By: **Delegates Hecht, Dembrow, Grosfeld, and Genn** Introduced and read first time: February 12, 1998 Assigned to: Judiciary

Committee Report: Favorable with amendments House action: Adopted Read second time: March 17, 1998

CHAPTER\_\_\_\_\_

1 AN ACT concerning

## 2 Out-of-State Sexual Offenders and Predators Offenders and Sexual 3 Offenders - Registration

4 FOR the purpose of requiring registration with a supervising authority of certain

- 5 sexual offenders and predators sexual offenders who, before moving into this
- 6 State, were required to register in another state for certain offenses occurring
- 7 before certain dates; <u>altering a certain definition</u>; providing for the application
- 8 <u>of this Act</u>; and generally relating to registration requirements of certain <del>sexual</del>
- 9 offenders and predators <u>sexual offenders</u>.

10 BY repealing and reenacting, without amendments,

- 11 Article 27 Crimes and Punishments
- 12 Section 792(a)(1) and (c)
- 13 Annotated Code of Maryland
- 14 (1996 Replacement Volume and 1997 Supplement)
- 15 BY repealing and reenacting, with amendments,
- 16 Article 27 Crimes and Punishments
- 17 Section 792(a)(7) and (12)
- 18 Annotated Code of Maryland
- 19 (1996 Replacement Volume and 1997 Supplement)
- 20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 21 MARYLAND, That the Laws of Maryland read as follows:

2			HOUSE BILL 875
1			Article 27 - Crimes and Punishments
2	792.		
3	(a)	(1)	In this section the following words have the meanings indicated.
4		(7)	"Registrant" means a person who is:
5			(i) A child sexual offender;
6			(ii) An offender;
7			(iii) A sexually violent offender; [or]
8			(iv) A sexually violent predator;
	,	· ·	(V) A CHILD SEXUAL OFFENDER WHO, BEFORE MOVING INTO THIS JIRED TO REGISTER IN ANOTHER STATE FOR AN OFFENSE DRE OCTOBER 1, 1995; OR
14		D TO RE	(VI) AN OFFENDER, A SEXUALLY VIOLENT OFFENDER, OR A NT PREDATOR WHO, BEFORE MOVING INTO THIS STATE, WAS GISTER IN ANOTHER STATE FOR AN OFFENSE OCCURRING BEFORE
16		<u>(12)</u>	"Supervising authority" means:
	Department and Correct		(i) If the registrant is in the custody of a facility operated by the safety and Correctional Services, the Secretary of Public Safety vices;
	<u>center, incluadministrate</u>		(ii) If the registrant is in the custody of a local or regional detention offender who is participating in a home detention program, the facility:
			(iii) Except as provided in item [(viii)] (X) of this paragraph, if the probation before judgment, probation after judgment, or a the court that granted the probation or suspended sentence;
26 27	the Director	r of the Pa	(iv) If the registrant is in the custody of the Patuxent Institution, atuxent Institution;
	Department Hygiene;	t of Healtl	(v) If the registrant is in the custody of a facility operated by the and Mental Hygiene, the Secretary of Health and Mental
31 32	imprisonme	ent, the co	(vi) If the registrant's sentence does not include a term of urt in which the offender was convicted:

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	If the offender is in the State under the terms and conditions of tents under Article 41, §§ 4-801 and 4-1201 through tary of Public Safety and Correctional Services; [or]					
6 INDIVIDUAL TO REGIS	IF THE REGISTRANT MOVES TO THIS STATE AND WAS STATE OF AN OFFENSE THAT WOULD REQUIRE THE R IF THE OFFENSE WAS COMMITTED IN THIS STATE, THE SAFETY AND CORRECTIONAL SERVICES;					
8 (IX) IF THE REGISTRANT MOVES TO THIS STATE FROM ANOTHER 9 STATE WHERE THE INDIVIDUAL WAS REQUIRED TO REGISTER, THE SECRETARY OF 10 PUBLIC SAFETY AND CORRECTIONAL SERVICES; OR						
11(X)12Parole and Probation, the	If the registrant is under the supervision of the Division of rector of Parole and Probation.					
13 (c) (1) In this subsection, "resident" means a person who lives in this State 14 at the time the person:						
15 (i)	Is released;					
16 (ii)	Is granted probation before judgment;					
17 (iii)	Is granted probation after judgment;					
18 (iv)	Is granted a suspended sentence; or					
19 (v) 20 imprisonment.	Receives a sentence that does not include a term of					
21 (2) A re	strant shall register with the supervising authority:					
22 (i) 23 registrant:	If the registrant is a resident, on or before the date that the					
24	1. Is released;					
25	2. Is granted probation before judgment;					
26	3. Is granted probation after judgment;					
27	4. Is granted a suspended sentence; or					
<ul><li>28</li><li>29 imprisonment; or</li></ul>	5. Receives a sentence that does not include a term of					
30(ii)31of the date that the registra	If the registrant is not a resident, within 7 days after the earlier					
32 33 State; or	1. Establishes a temporary or permanent residence in this					

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1	2. Applies for a driver's license in this State.
	(3) (i) Within 7 days after release, a child sexual offender shall also register in person with the local law enforcement agency of the county where the offender will reside.
	(ii) A local law enforcement agency may require a child sexual offender to provide additional information in the registration besides the information required under subsection (d) of this section.
8	(4) When a registrant registers, the supervising authority shall:
11	(i) Inform the registrant that if the registrant changes residence address to another state that has a registration requirement, the registrant shall register the new address with the designated law enforcement agency of that state within 7 days after establishing the new residence;
13 14	(ii) Explain the requirements of this section to the registrant, including the duties of a registrant when the registrant changes residence address;
15 16	(iii) Give written notice to the registrant of the requirements of this section; and
	(iv) Obtain a statement signed by the registrant acknowledging that the supervising authority explained the requirements of this section and provided written notice to the registrant.
22 23	SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any law to the contrary, this Act shall apply to child sexual offenders required to register in another state for an offense occurring before October 1, 1995 and to other registrants required to register in another state for an offense occurring before July 1, 1997.

25 SECTION <del>2.</del> <u>3.</u> AND BE IT FURTHER ENACTED, That this Act shall take 26 effect October 1, 1998.

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