

SENATE BILL 73

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1999 Regular Session
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(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental - Public
Safety and Correctional Services)**

Requested: July 27, 1998

Introduced and read first time: January 13, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Convictions for Crimes Against Children, Sexually Violent Offenses, or**
3 **Other Sexual Offenses - Registration Requirements and Procedures**

4 FOR the purpose of revising, restating, and recodifying the laws concerning the
5 registration requirements and procedures concerning individuals convicted of
6 certain crimes against children, sexually violent offenses, or other sexual
7 offenses; altering the length of the term of registration for certain registrants;
8 requiring certain individuals who live in another state and work or attend
9 school in this State to register; repealing the court's authority to determine that
10 a sexually violent predator is no longer a sexually violent predator; correcting an
11 error in the applicability provision of a certain enactment; defining certain
12 terms; and generally relating to the registration of certain child and sexual
13 offenders.

14 BY repealing
15 Article 27 - Crimes and Punishments
16 Section 792
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1998 Supplement)

19 BY adding to
20 Article 27 - Crimes and Punishments
21 Section 792
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1998 Supplement)

24 BY repealing and reenacting, with amendments,
25 Chapter 754 of the Acts of the General Assembly of 1997, as amended by
26 Chapter 21 of the Acts of the General Assembly of 1998
27 Section 4

28 BY repealing and reenacting, without amendments,

1 Chapter 754 of the Acts of the General Assembly of 1997
2 Section 3, 5, 6, 7, 8, and 9

3 BY repealing and reenacting, without amendments,
4 Chapter 521 of the Acts of the General Assembly of 1998
5 Section 2

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That Section 792 of Article 27 - Crimes and Punishments of the
8 Annotated Code of Maryland be repealed.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
10 read as follows:

11 **Article 27 - Crimes and Punishments**

12 792.

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (2) "CHILD SEXUAL OFFENDER" MEANS AN INDIVIDUAL WHO:

16 (I) HAS BEEN CONVICTED OF VIOLATING § 35C OF THIS ARTICLE
17 FOR AN OFFENSE INVOLVING SEXUAL ABUSE;

18 (II) HAS BEEN CONVICTED OF VIOLATING ANY OF THE PROVISIONS
19 OF §§ 462 THROUGH 464B OF THIS ARTICLE FOR AN OFFENSE INVOLVING AN
20 INDIVIDUAL UNDER THE AGE OF 15 YEARS;

21 (III) HAS BEEN CONVICTED OF VIOLATING § 464C OF THIS ARTICLE
22 FOR AN OFFENSE INVOLVING AN INDIVIDUAL UNDER THE AGE OF 15 YEARS AND HAS
23 BEEN ORDERED BY THE COURT TO REGISTER UNDER THIS SECTION; OR

24 (IV) HAS BEEN CONVICTED IN ANOTHER STATE, OR IN A FEDERAL,
25 MILITARY, OR NATIVE AMERICAN TRIBAL COURT, OF AN OFFENSE THAT, IF
26 COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE OFFENSES LISTED IN
27 ITEMS (I) AND (II) OF THIS PARAGRAPH.

28 (3) "CONVICTED" INCLUDES:

29 (I) A PROBATION BEFORE JUDGMENT AFTER A FINDING OF GUILT
30 FOR AN OFFENSE IF THE COURT, AS A CONDITION OF PROBATION ORDERS
31 COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION; AND

32 (II) A FINDING OF NOT CRIMINALLY RESPONSIBLE FOR AN
33 OFFENSE.

34 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY AND
35 CORRECTIONAL SERVICES.

1 (5) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE LAW
2 ENFORCEMENT AGENCY IN A COUNTY THAT HAS BEEN DESIGNATED BY
3 RESOLUTION OF THE COUNTY GOVERNING BODY AS THE PRIMARY LAW
4 ENFORCEMENT UNIT IN THE COUNTY.

5 (6) "OFFENDER" MEANS AN INDIVIDUAL WHO IS ORDERED BY THE
6 COURT TO REGISTER UNDER THIS SECTION AND WHO:

7 (I) HAS BEEN CONVICTED OF VIOLATING § 1, § 2, OR § 338 OF THIS
8 ARTICLE;

9 (II) HAS BEEN CONVICTED OF VIOLATING § 337 OF THIS ARTICLE IF
10 THE VICTIM IS UNDER THE AGE OF 18 YEARS;

11 (III) HAS BEEN CONVICTED OF THE COMMON LAW CRIME OF FALSE
12 IMPRISONMENT IF THE VICTIM IS UNDER THE AGE OF 18 YEARS AND THE OFFENDER
13 IS NOT THE VICTIM'S PARENT;

14 (IV) HAS BEEN CONVICTED OF VIOLATING § 464C OF THIS ARTICLE
15 IF THE VICTIM IS UNDER THE AGE OF 18 YEARS;

16 (V) HAS BEEN CONVICTED OF SOLICITING A MINOR TO ENGAGE IN
17 SEXUAL CONDUCT;

18 (VI) HAS BEEN CONVICTED OF VIOLATING § 419A OF THIS ARTICLE;

19 (VII) HAS BEEN CONVICTED OF VIOLATING § 15 OF THIS ARTICLE OR
20 ANY OF THE PROVISIONS OF §§ 426 THROUGH 433 OF THIS ARTICLE IF THE INTENDED
21 PROSTITUTE IS UNDER THE AGE OF 18 YEARS;

22 (VIII) HAS BEEN CONVICTED OF A CRIME THAT INVOLVES CONDUCT
23 THAT BY ITS NATURE IS A SEXUAL OFFENSE AGAINST AN INDIVIDUAL UNDER THE
24 AGE OF 18 YEARS;

25 (IX) HAS BEEN CONVICTED OF AN ATTEMPT TO COMMIT A CRIME
26 LISTED IN ITEMS (I) THROUGH (VIII) OF THIS PARAGRAPH; OR

27 (X) HAS BEEN CONVICTED IN ANOTHER STATE, OR IN A FEDERAL,
28 MILITARY, OR NATIVE AMERICAN TRIBAL COURT, OF AN OFFENSE THAT, IF
29 COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE OFFENSES LISTED IN
30 ITEMS (I) THROUGH (IX) OF THIS PARAGRAPH.

31 (7) "REGISTRANT" MEANS AN INDIVIDUAL WHO IS:

32 (I) A CHILD SEXUAL OFFENDER;

33 (II) AN OFFENDER;

34 (III) A SEXUALLY VIOLENT OFFENDER;

35 (IV) A SEXUALLY VIOLENT PREDATOR;

1 (V) A CHILD SEXUAL OFFENDER WHO, BEFORE MOVING INTO THIS
2 STATE, WAS REQUIRED TO REGISTER IN ANOTHER STATE OR BY A FEDERAL,
3 MILITARY, OR NATIVE AMERICAN TRIBAL COURT FOR AN OFFENSE OCCURRING
4 BEFORE OCTOBER 1, 1995;

5 (VI) AN OFFENDER, A SEXUALLY VIOLENT OFFENDER, OR A
6 SEXUALLY VIOLENT PREDATOR WHO, BEFORE MOVING INTO THIS STATE, WAS
7 REQUIRED TO REGISTER IN ANOTHER STATE OR BY A FEDERAL, MILITARY, OR
8 NATIVE AMERICAN TRIBAL COURT FOR AN OFFENSE OCCURRING BEFORE JULY 1,
9 1997; OR

10 (VII) A CHILD SEXUAL OFFENDER, OFFENDER, SEXUALLY VIOLENT
11 OFFENDER, OR SEXUALLY VIOLENT PREDATOR WHO IS NOT A RESIDENT OF THIS
12 STATE AND WHO ENTERS THIS STATE FOR THE PURPOSE OF:

13 1. EMPLOYMENT, OR TO CARRY ON A VOCATION, THAT IS
14 FULL TIME OR PART TIME FOR A PERIOD OF THE TIME EXCEEDING 14 DAYS OR FOR
15 AN AGGREGATE PERIOD OF TIME EXCEEDING 30 DAYS DURING ANY CALENDAR YEAR,
16 WHETHER FINANCIALLY COMPENSATED, VOLUNTEERED, OR FOR THE PURPOSE OF
17 GOVERNMENT OR EDUCATIONAL BENEFIT; OR

18 2. ATTENDING ANY PUBLIC OR PRIVATE EDUCATIONAL
19 INSTITUTION, INCLUDING ANY SECONDARY SCHOOL, TRADE, OR PROFESSIONAL
20 INSTITUTION, OR INSTITUTION OF HIGHER EDUCATION, AS A STUDENT ON A
21 FULL-TIME OR PART-TIME BASIS.

22 (8) (I) "RELEASE" MEANS ANY TYPE OF RELEASE FROM THE CUSTODY
23 OF A SUPERVISING AUTHORITY.

24 (II) "RELEASE" INCLUDES RELEASE ON PAROLE, MANDATORY
25 SUPERVISION, WORK RELEASE, AND ANY TYPE OF TEMPORARY LEAVE OTHER THAN
26 LEAVE THAT IS GRANTED ON AN EMERGENCY BASIS.

27 (III) "RELEASE" DOES NOT INCLUDE AN ESCAPE.

28 (9) "RESIDENT" MEANS AN INDIVIDUAL WHO LIVES IN THIS STATE AT
29 THE TIME THE INDIVIDUAL:

30 (I) IS RELEASED;

31 (II) IS GRANTED PROBATION BEFORE JUDGMENT;

32 (III) IS GRANTED PROBATION AFTER JUDGMENT;

33 (IV) IS GRANTED A SUSPENDED SENTENCE; OR

34 (V) RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF
35 IMPRISONMENT.

36 (10) "SEXUALLY VIOLENT OFFENDER" MEANS AN INDIVIDUAL WHO:

1 (I) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE;

2 (II) HAS BEEN CONVICTED OF AN ATTEMPT TO COMMIT A
3 SEXUALLY VIOLENT OFFENSE; OR

4 (III) HAS BEEN CONVICTED IN ANOTHER STATE, OR IN A FEDERAL,
5 MILITARY, OR NATIVE AMERICAN TRIBAL COURT, OF AN OFFENSE THAT, IF
6 COMMITTED IN THIS STATE, WOULD CONSTITUTE A SEXUALLY VIOLENT OFFENSE.

7 (11) "SEXUALLY VIOLENT OFFENSE" MEANS:

8 (I) A VIOLATION OF ANY OF THE PROVISIONS OF § 462, § 463, § 464, §
9 464A, § 464B, OR § 464F OF THIS ARTICLE; OR

10 (II) ASSAULT WITH INTENT TO COMMIT RAPE IN THE FIRST OR
11 SECOND DEGREE OR A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE AS
12 PREVIOUSLY PROSCRIBED UNDER FORMER § 12 OF THIS ARTICLE.

13 (12) "SEXUALLY VIOLENT PREDATOR" MEANS AN INDIVIDUAL WHO:

14 (I) IS CONVICTED OF A SECOND OR SUBSEQUENT SEXUALLY
15 VIOLENT OFFENSE; AND

16 (II) HAS BEEN DETERMINED IN ACCORDANCE WITH THIS SECTION
17 TO BE AT RISK OF COMMITTING A SUBSEQUENT SEXUALLY VIOLENT OFFENSE.

18 (13) "SUPERVISING AUTHORITY" MEANS:

19 (I) IF THE REGISTRANT IS IN THE CUSTODY OF A FACILITY
20 OPERATED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES,
21 THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

22 (II) IF THE REGISTRANT IS IN THE CUSTODY OF A LOCAL OR
23 REGIONAL DETENTION CENTER, INCLUDING A REGISTRANT WHO IS PARTICIPATING
24 IN A HOME DETENTION PROGRAM, THE ADMINISTRATOR OF THE FACILITY;

25 (III) EXCEPT AS PROVIDED IN ITEM (XI) OF THIS PARAGRAPH, IF THE
26 REGISTRANT IS GRANTED PROBATION BEFORE JUDGMENT, PROBATION AFTER
27 JUDGMENT, OR A SUSPENDED SENTENCE, THE COURT THAT GRANTED THE
28 PROBATION OR SUSPENDED SENTENCE;

29 (IV) IF THE REGISTRANT IS IN THE CUSTODY OF THE PATUXENT
30 INSTITUTION, THE DIRECTOR OF THE PATUXENT INSTITUTION;

31 (V) IF THE REGISTRANT IS IN THE CUSTODY OF A FACILITY
32 OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE
33 SECRETARY OF HEALTH AND MENTAL HYGIENE;

34 (VI) IF THE REGISTRANT'S SENTENCE DOES NOT INCLUDE A TERM
35 OF IMPRISONMENT, THE COURT IN WHICH THE REGISTRANT WAS CONVICTED;

1 (VII) IF THE REGISTRANT IS IN THE STATE UNDER THE TERMS AND
2 CONDITIONS OF THE INTERSTATE COMPACT AGREEMENTS UNDER ARTICLE 41, §§
3 4-801 AND 4-1201 THROUGH 4-1211 OF THE CODE, THE SECRETARY OF PUBLIC
4 SAFETY AND CORRECTIONAL SERVICES;

5 (VIII) IF THE REGISTRANT MOVES TO THIS STATE AND WAS
6 CONVICTED IN ANOTHER STATE OF AN OFFENSE THAT WOULD REQUIRE THE
7 INDIVIDUAL TO REGISTER IF THE OFFENSE WAS COMMITTED IN THIS STATE, THE
8 SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

9 (IX) IF THE REGISTRANT MOVES TO THIS STATE FROM ANOTHER
10 STATE WHERE THE INDIVIDUAL WAS REQUIRED TO REGISTER, THE SECRETARY OF
11 PUBLIC SAFETY AND CORRECTIONAL SERVICES;

12 (X) IF THE REGISTRANT IS NOT A RESIDENT OF THIS STATE, THE
13 SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES; OR

14 (XI) IF THE REGISTRANT IS UNDER THE SUPERVISION OF THE
15 DIVISION OF PAROLE AND PROBATION, THE DIRECTOR OF PAROLE AND PROBATION.

16 (B) (1) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, IF AN
17 INDIVIDUAL IS CONVICTED OF A SECOND OR SUBSEQUENT SEXUALLY VIOLENT
18 OFFENSE, THE STATE'S ATTORNEY MAY REQUEST THE COURT TO DETERMINE
19 BEFORE SENTENCING WHETHER THE INDIVIDUAL IS A SEXUALLY VIOLENT
20 PREDATOR.

21 (2) IF THE STATE'S ATTORNEY MAKES A REQUEST UNDER PARAGRAPH
22 (1) OF THIS SUBSECTION, THE COURT SHALL DETERMINE BEFORE OR AT
23 SENTENCING WHETHER THE INDIVIDUAL IS A SEXUALLY VIOLENT PREDATOR.

24 (3) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS
25 SUBSECTION, THE COURT SHALL CONSIDER:

26 (I) ANY EVIDENCE THAT THE COURT CONSIDERS APPROPRIATE TO
27 THE DETERMINATION OF WHETHER THE INDIVIDUAL IS A SEXUALLY VIOLENT
28 PREDATOR, INCLUDING THE PRESENTENCING INVESTIGATION AND SEXUALLY
29 VIOLENT OFFENDER'S INMATE RECORD;

30 (II) ANY EVIDENCE INTRODUCED BY THE INDIVIDUAL CONVICTED;
31 AND

32 (III) AT THE REQUEST OF THE STATE'S ATTORNEY, ANY EVIDENCE
33 PRESENTED BY A VICTIM OF THE SEXUALLY VIOLENT OFFENSE.

34 (4) THE STATE'S ATTORNEY MAY NOT REQUEST A COURT TO DETERMINE
35 IF AN INDIVIDUAL IS A SEXUALLY VIOLENT PREDATOR UNDER THIS SUBSECTION
36 UNLESS THE STATE'S ATTORNEY SERVES WRITTEN NOTICE OF INTENT TO MAKE THE
37 REQUEST ON THE DEFENDANT OR THE DEFENDANT'S LAWYER AT LEAST 30 DAYS
38 BEFORE TRIAL.

1 (C) (1) A REGISTRANT SHALL REGISTER WITH THE REGISTRANT'S
2 SUPERVISING AUTHORITY:

3 (I) IF THE REGISTRANT IS A RESIDENT, ON OR BEFORE THE DATE
4 THAT THE REGISTRANT:

- 5 1. IS RELEASED;
- 6 2. IS GRANTED PROBATION BEFORE JUDGMENT;
- 7 3. IS GRANTED PROBATION AFTER JUDGMENT;
- 8 4. IS GRANTED A SUSPENDED SENTENCE; OR
- 9 5. RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM
10 OF IMPRISONMENT; OR

11 (II) IF THE REGISTRANT MOVES INTO THIS STATE, WITHIN 7 DAYS
12 AFTER THE EARLIER OF THE DATE THAT THE REGISTRANT:

- 13 1. ESTABLISHES A TEMPORARY OR PERMANENT RESIDENCE
14 IN THIS STATE; OR
- 15 2. APPLIES FOR A DRIVER'S LICENSE IN THIS STATE; OR

16 (III) IF THE REGISTRANT IS NOT A RESIDENT OF THIS STATE,
17 WITHIN 14 DAYS OF THE DATE THAT THE REGISTRANT:

- 18 1. BEGINS EMPLOYMENT IN THIS STATE; OR
- 19 2. REGISTERS AS A STUDENT IN THIS STATE.

20 (2) (I) A CHILD SEXUAL OFFENDER SHALL ALSO REGISTER IN PERSON
21 WITH THE LOCAL LAW ENFORCEMENT AGENCY OF THE COUNTY WHERE THE CHILD
22 SEXUAL OFFENDER WILL RESIDE:

23 1. WITHIN 7 DAYS OF RELEASE, IF THE CHILD SEXUAL
24 OFFENDER IS A RESIDENT OF THIS STATE; OR

25 2. WITHIN 7 DAYS OF REGISTERING WITH THE SUPERVISING
26 AUTHORITY, IF THE REGISTRANT IS MOVING INTO THIS STATE.

27 (II) WITHIN 7 DAYS OF REGISTERING WITH THE SUPERVISING
28 AUTHORITY, A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THIS STATE
29 AND WHO WORKS OR ATTENDS SCHOOL IN THIS STATE SHALL ALSO REGISTER IN
30 PERSON WITH THE LOCAL LAW ENFORCEMENT AGENCY OF THE COUNTY WHERE
31 THE CHILD SEXUAL OFFENDER WILL WORK OR ATTEND SCHOOL.

32 (III) A CHILD SEXUAL OFFENDER MAY BE REQUIRED TO PROVIDE
33 INFORMATION TO THE LOCAL LAW ENFORCEMENT AGENCY BESIDES THE
34 INFORMATION REQUIRED UNDER SUBSECTION (E) OF THIS SECTION.

1 (3) IF A REGISTRANT CHANGES RESIDENCES, THE REGISTRANT SHALL
2 SEND WRITTEN NOTICE OF THE CHANGE TO THE DEPARTMENT WITHIN 7 DAYS
3 AFTER THE CHANGE OCCURS.

4 (D) (1) A TERM OF REGISTRATION DESCRIBED IN THIS SUBSECTION SHALL
5 BE CALCULATED FROM:

6 (I) THE LAST DATE OF RELEASE;

7 (II) THE DATE GRANTED PROBATION BEFORE JUDGMENT,
8 PROBATION AFTER JUDGMENT, OR A SUSPENDED SENTENCE; OR

9 (III) THE DATE OF RECEIVING A SENTENCE THAT DOES NOT
10 INCLUDE A TERM OF IMPRISONMENT.

11 (2) A CHILD SEXUAL OFFENDER SHALL REGISTER ANNUALLY IN PERSON
12 WITH A LOCAL LAW ENFORCEMENT AGENCY:

13 (I) FOR 10 YEARS; OR

14 (II) FOR LIFE, IF CONVICTED OF:

15 1. A VIOLATION OF ANY OF THE PROVISIONS OF §§ 462
16 THROUGH 464B OF THIS ARTICLE; OR

17 2. A SECOND VIOLATION AS A CHILD SEXUAL OFFENDER.

18 (3) AN OFFENDER SHALL REGISTER ANNUALLY WITH THE DEPARTMENT
19 IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN SUBSECTION (H)(3) OF THIS
20 SECTION FOR 10 YEARS.

21 (4) A SEXUALLY VIOLENT OFFENDER SHALL REGISTER ANNUALLY WITH
22 THE DEPARTMENT IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN
23 SUBSECTION (H)(3) OF THIS SECTION:

24 (I) FOR 10 YEARS; OR

25 (II) FOR LIFE, IF CONVICTED OF:

26 1. A VIOLATION OF ANY OF THE PROVISIONS OF §§ 462
27 THROUGH 464B OF THIS ARTICLE; OR

28 2. A SECOND VIOLATION AS A SEXUALLY VIOLENT
29 OFFENDER.

30 (5) A SEXUALLY VIOLENT PREDATOR SHALL REGISTER EVERY 90 DAYS
31 THROUGHOUT THE INDIVIDUAL'S LIFE, IN ACCORDANCE WITH THE PROCEDURES
32 DESCRIBED IN SUBSECTION (G)(3) OF THIS SECTION.

1 (6) A REGISTRANT WHO IS NOT A RESIDENT OF THIS STATE SHALL
2 REGISTER FOR THE PERIOD OF TIME SPECIFIED IN THIS SUBSECTION OR UNTIL THE
3 REGISTRANT'S EMPLOYMENT OR STUDENT ENROLLMENT IN THIS STATE CEASES.

4 (E) (1) REGISTRATION SHALL CONSIST OF A STATEMENT SIGNED AND
5 DATED BY A REGISTRANT WHICH INCLUDES:

6 (I) THE REGISTRANT'S NAME, ADDRESS, AND PLACE OF
7 EMPLOYMENT;

8 (II) A DESCRIPTION OF THE CRIME FOR WHICH THE REGISTRANT
9 WAS CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND NOT
10 CRIMINALLY RESPONSIBLE;

11 (III) THE DATE THAT THE REGISTRANT WAS CONVICTED, GRANTED
12 PROBATION BEFORE JUDGMENT, OR FOUND NOT CRIMINALLY RESPONSIBLE;

13 (IV) THE JURISDICTION IN WHICH THE REGISTRANT WAS
14 CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND NOT
15 CRIMINALLY RESPONSIBLE;

16 (V) A LIST OF ANY ALIASES THAT HAVE BEEN USED BY THE
17 REGISTRANT; AND

18 (VI) THE REGISTRANT'S SOCIAL SECURITY NUMBER.

19 (F) (1) WHEN A REGISTRANT REGISTERS, THE SUPERVISING AUTHORITY
20 SHALL:

21 (I) EXPLAIN THE REQUIREMENTS OF THIS SECTION TO THE
22 REGISTRANT, INCLUDING:

23 1. THE DUTIES OF A REGISTRANT WHEN THE REGISTRANT
24 CHANGES RESIDENCE ADDRESS IN THIS STATE;

25 2. THE REQUIREMENT FOR A CHILD SEXUAL OFFENDER TO
26 REGISTER, IN PERSON WITH THE LOCAL LAW ENFORCEMENT AGENCY OF THE
27 COUNTY WHERE THE CHILD SEXUAL OFFENDER WILL RESIDE OR WHERE THE CHILD
28 SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THIS STATE WILL WORK OR ATTEND
29 SCHOOL; AND

30 3. THE REQUIREMENT THAT IF THE REGISTRANT CHANGES
31 RESIDENCE ADDRESS, EMPLOYMENT, OR SCHOOL ENROLLMENT TO ANOTHER STATE
32 THAT HAS A REGISTRATION REQUIREMENT, THE REGISTRANT SHALL REGISTER
33 WITH THE DESIGNATED LAW ENFORCEMENT AGENCY OF THAT STATE WITHIN 7
34 DAYS OF THE CHANGE;

35 (II) GIVE WRITTEN NOTICE TO THE REGISTRANT OF THE
36 REQUIREMENTS OF THIS SECTION; AND

1 (III) OBTAIN A STATEMENT SIGNED BY THE REGISTRANT
2 ACKNOWLEDGING THAT THE SUPERVISING AUTHORITY EXPLAINED THE
3 REQUIREMENTS OF THIS SECTION AND PROVIDED WRITTEN NOTICE TO THE
4 REGISTRANT.

5 (2) THE SUPERVISING AUTHORITY SHALL OBTAIN A PHOTOGRAPH AND
6 FINGERPRINTS OF THE REGISTRANT AND ATTACH THE PHOTOGRAPH AND
7 FINGERPRINTS TO THE REGISTRATION STATEMENT.

8 (3) WITHIN 5 DAYS OF OBTAINING A REGISTRATION STATEMENT, THE
9 SUPERVISING AUTHORITY SHALL SEND A COPY OF THE REGISTRATION STATEMENT,
10 THE REGISTRANT'S FINGERPRINTS, AND A PHOTOGRAPH OF THE REGISTRANT TO
11 THE LOCAL LAW ENFORCEMENT AGENCY IN THE COUNTY WHERE THE REGISTRANT
12 WILL RESIDE, OR WHERE A REGISTRANT WHO IS NOT A RESIDENT WILL WORK OR
13 ATTEND SCHOOL.

14 (4) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 5 WORKING
15 DAYS AFTER REGISTRATION IS COMPLETED, IF THE SUPERVISING AUTHORITY IS NOT
16 A UNIT OF THE DEPARTMENT, THE SUPERVISING AUTHORITY SHALL SEND THE
17 REGISTRATION STATEMENT TO THE DEPARTMENT.

18 (G) (1) (I) WITHIN 5 DAYS AFTER A CHILD SEXUAL OFFENDER HAS
19 COMPLETED THE REGISTRATION REQUIREMENTS OF SUBSECTION (D)(2) OF THIS
20 SECTION, A LOCAL LAW ENFORCEMENT AGENCY SHALL SEND NOTICE OF THE CHILD
21 SEXUAL OFFENDER'S ANNUAL REGISTRATION TO THE DEPARTMENT.

22 (II) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 5
23 WORKING DAYS AFTER RECEIVING A REGISTRATION STATEMENT OF A CHILD
24 SEXUAL OFFENDER, A LOCAL LAW ENFORCEMENT AGENCY SHALL SEND WRITTEN
25 NOTICE OF THE REGISTRATION STATEMENT TO THE COUNTY SUPERINTENDENT, AS
26 DEFINED IN § 1-101 OF THE EDUCATION ARTICLE, IN THE COUNTY WHERE THE
27 CHILD SEXUAL OFFENDER WILL RESIDE, OR WHERE A CHILD SEXUAL OFFENDER
28 WHO IS NOT A RESIDENT OF THIS STATE WILL WORK OR ATTEND SCHOOL.

29 (2) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 5 WORKING
30 DAYS AFTER RECEIVING NOTICE FROM THE LOCAL LAW ENFORCEMENT AGENCY
31 UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, A COUNTY SUPERINTENDENT
32 SHALL SEND WRITTEN NOTICE OF THE REGISTRATION STATEMENT TO THOSE
33 PRINCIPALS OF THE SCHOOLS WITHIN THE SUPERVISION OF THE SUPERINTENDENT
34 THAT THE SUPERINTENDENT CONSIDERS NECESSARY TO PROTECT THE STUDENTS
35 OF A SCHOOL FROM A CHILD SEXUAL OFFENDER.

36 (3) (I) EVERY 90 DAYS, THE LOCAL LAW ENFORCEMENT AGENCY
37 SHALL MAIL A VERIFICATION FORM, WHICH MAY NOT BE FORWARDED, TO THE LAST
38 REPORTED ADDRESS OF A SEXUALLY VIOLENT PREDATOR.

39 (II) WITHIN 10 DAYS AFTER RECEIVING THE VERIFICATION FORM,
40 THE SEXUALLY VIOLENT PREDATOR SHALL SIGN THE FORM AND MAIL IT TO THE
41 LOCAL LAW ENFORCEMENT AGENCY.

1 (III) WITHIN 5 DAYS AFTER OBTAINING A VERIFICATION FORM
2 FROM A SEXUALLY VIOLENT PREDATOR, A LOCAL LAW ENFORCEMENT AGENCY
3 SHALL SEND A COPY OF THE VERIFICATION FORM TO THE DEPARTMENT.

4 (4) IF A REGISTRANT WILL RESIDE AFTER RELEASE IN A MUNICIPAL
5 CORPORATION THAT HAS A POLICE DEPARTMENT, OR, IN THE CASE WHERE A
6 REGISTRANT ESCAPES FROM A FACILITY AND THE REGISTRANT RESIDED, BEFORE
7 THE REGISTRANT WAS COMMITTED TO THE CUSTODY OF A SUPERVISING
8 AUTHORITY, IN A MUNICIPAL CORPORATION THAT HAS A POLICE DEPARTMENT, A
9 LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES A NOTICE FROM A
10 SUPERVISING AUTHORITY UNDER THIS SECTION SHALL SEND A COPY OF THE
11 NOTICE TO THE POLICE DEPARTMENT OF THE MUNICIPAL CORPORATION.

12 (H) (1) THE DEPARTMENT SHALL:

13 (I) MAINTAIN A CENTRAL REGISTRY OF REGISTRANTS;

14 (II) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 5
15 WORKING DAYS AFTER RECEIVING THE CONVICTION DATA AND FINGERPRINTS OF A
16 REGISTRANT, TRANSMIT THE DATA AND FINGERPRINTS TO THE FEDERAL BUREAU
17 OF INVESTIGATION IF THE BUREAU DOES NOT HAVE THAT INFORMATION; AND

18 (III) REIMBURSE SUPERVISING AUTHORITIES FOR THE COST OF
19 PROCESSING THE REGISTRATION STATEMENTS OF REGISTRANTS, INCLUDING THE
20 TAKING OF FINGERPRINTS AND PHOTOGRAPHS.

21 (2) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 5 WORKING
22 DAYS AFTER RECEIPT OF A REGISTRANT'S CHANGE OF ADDRESS NOTICE, THE
23 DEPARTMENT SHALL GIVE NOTICE OF THE CHANGE TO:

24 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN WHOSE COUNTY
25 THE NEW RESIDENCE IS LOCATED;

26 (II) IF THE NEW RESIDENCE IS IN A DIFFERENT STATE THAT HAS A
27 REGISTRATION REQUIREMENT, THE DESIGNATED LAW ENFORCEMENT AGENCY IN
28 WHOSE STATE THE NEW RESIDENCE IS LOCATED; AND

29 (III) IF THE REGISTRATION IS PREMISED ON A CONVICTION UNDER
30 FEDERAL, MILITARY, OR NATIVE AMERICAN TRIBAL LAW, THE DESIGNATED FEDERAL
31 AGENCY.

32 (3) (I) THE DEPARTMENT SHALL MAIL ANNUALLY A VERIFICATION
33 FORM, WHICH MAY NOT BE FORWARDED, TO THE LAST REPORTED ADDRESS OF EACH
34 OFFENDER AND SEXUALLY VIOLENT OFFENDER.

35 (II) WITHIN 10 DAYS AFTER RECEIVING THE VERIFICATION FORM,
36 THE OFFENDER OR SEXUALLY VIOLENT OFFENDER SHALL SIGN THE VERIFICATION
37 FORM AND MAIL IT TO THE DEPARTMENT.

1 (I) (1) IF A REGISTRANT ESCAPES FROM A FACILITY, THE SUPERVISING
2 AUTHORITY OF THE FACILITY SHALL IMMEDIATELY NOTIFY, BY THE MOST
3 REASONABLE AND EXPEDIENT MEANS AVAILABLE:

4 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN THE
5 JURISDICTION IN WHICH THE REGISTRANT RESIDED BEFORE THE REGISTRANT WAS
6 COMMITTED TO THE CUSTODY OF THE SUPERVISING AUTHORITY; AND

7 (II) ANY INDIVIDUAL WHO IS ENTITLED TO RECEIVE NOTICE
8 UNDER SUBSECTION (J)(3) OF THIS SECTION.

9 (2) IF THE REGISTRANT IS RECAPTURED, THE SUPERVISING AUTHORITY
10 SHALL SEND NOTICE, AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 2
11 WORKING DAYS AFTER THE SUPERVISING AUTHORITY LEARNS OF THE RECAPTURE,
12 TO:

13 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN THE
14 JURISDICTION IN WHICH THE REGISTRANT RESIDED BEFORE THE REGISTRANT WAS
15 COMMITTED TO THE CUSTODY OF THE SUPERVISING AUTHORITY; AND

16 (II) ANY INDIVIDUAL WHO IS ENTITLED TO RECEIVE NOTICE
17 UNDER SUBSECTION (J)(3) OF THIS SECTION.

18 (J) (1) A REGISTRATION STATEMENT PROVIDED TO AN INDIVIDUAL OR
19 ORGANIZATION UNDER THIS SECTION SHALL INCLUDE A COPY OF THE COMPLETED
20 REGISTRATION FORM AND A COPY OF A PHOTOGRAPH OF THE REGISTRANT, BUT
21 NEED NOT INCLUDE THE REGISTRANT'S FINGERPRINTS.

22 (2) INFORMATION REGARDING ANY INDIVIDUAL WHO RECEIVES NOTICE
23 UNDER PARAGRAPH (3) OF THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE
24 DISCLOSED TO THE REGISTRANT OR ANY OTHER INDIVIDUAL, AGENCY, OR ENTITY.

25 (3) (I) THE SUPERVISING AUTHORITY SHALL SEND A COPY OF A
26 REGISTRATION STATEMENT TO THE FOLLOWING INDIVIDUALS IF SUCH NOTICE HAS
27 BEEN REQUESTED IN WRITING ABOUT A SPECIFIC REGISTRANT:

28 1. THE VICTIM OF THE CRIME FOR WHICH THE REGISTRANT
29 WAS CONVICTED OR, IF THE VICTIM IS A MINOR, THE PARENTS OR LEGAL GUARDIAN
30 OF THE VICTIM;

31 2. ANY WITNESS WHO TESTIFIED AGAINST THE REGISTRANT
32 IN ANY COURT PROCEEDINGS INVOLVING THE OFFENSE; AND

33 3. ANY INDIVIDUAL SPECIFIED IN WRITING BY THE STATE'S
34 ATTORNEY.

35 (II) THE SUPERVISING AUTHORITY SHALL SEND A COPY OF A
36 REGISTRATION STATEMENT TO A VICTIM OF THE CRIME FOR WHICH THE
37 REGISTRANT WAS CONVICTED, IF THE VICTIM FILED A NOTIFICATION REQUEST
38 FORM UNDER § 770 OF THIS ARTICLE.

1 (4) A SUPERVISING AUTHORITY SHALL SEND ANY NOTICE REQUIRED
2 UNDER PARAGRAPH (3) OF THIS SUBSECTION AND SUBSECTION (I)(1)(II) AND (2)(II) OF
3 THIS SECTION TO THE LAST ADDRESS PROVIDED TO THE SUPERVISING AUTHORITY.

4 (5) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, UPON
5 WRITTEN REQUEST TO A LOCAL LAW ENFORCEMENT AGENCY, THE AGENCY:

6 1. SHALL SEND TO THE INDIVIDUAL WHO SUBMITTED THE
7 REQUEST ONE COPY OF THE REGISTRATION STATEMENT OF EACH CHILD SEXUAL
8 OFFENDER AND EACH SEXUALLY VIOLENT PREDATOR ON RECORD WITH THE
9 AGENCY; AND

10 2. MAY SEND TO THE INDIVIDUAL WHO SUBMITTED THE
11 REQUEST ONE COPY OF THE REGISTRATION STATEMENT OF ANY REGISTRANT NOT
12 DESCRIBED IN ITEM 1 OF THIS SUBPARAGRAPH ON RECORD WITH THE AGENCY.

13 (II) A REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH
14 SHALL CONTAIN:

15 1. THE NAME AND ADDRESS OF THE INDIVIDUAL
16 SUBMITTING THE REQUEST; AND

17 2. THE REASON FOR REQUESTING THE INFORMATION.

18 (III) A LOCAL LAW ENFORCEMENT AGENCY SHALL KEEP RECORDS
19 OF ALL WRITTEN REQUESTS RECEIVED UNDER SUBPARAGRAPH (I) OF THIS
20 PARAGRAPH.

21 (6) THE DEPARTMENT SHALL RELEASE REGISTRATION STATEMENTS OR
22 INFORMATION CONCERNING REGISTRATION STATEMENTS TO THE PUBLIC IN
23 ACCORDANCE WITH REGULATIONS ESTABLISHED BY THE DEPARTMENT.

24 (7) (I) IN ADDITION TO THE NOTICE REQUIRED UNDER SUBSECTION
25 (G)(1)(II) OF THIS SECTION, THE DEPARTMENT AND A LOCAL LAW ENFORCEMENT
26 AGENCY SHALL PROVIDE NOTICE OF A REGISTRATION STATEMENT TO ANY
27 INDIVIDUAL OR ORGANIZATION THAT THE DEPARTMENT OR LOCAL LAW
28 ENFORCEMENT AGENCY DETERMINES MAY SERVE TO PROTECT THE PUBLIC
29 CONCERNING A SPECIFIC REGISTRANT IF THE DEPARTMENT OR THE AGENCY
30 DETERMINES THAT SUCH NOTICE IS NECESSARY TO PROTECT THE PUBLIC.

31 (II) THE DEPARTMENT AND LOCAL LAW ENFORCEMENT AGENCIES
32 SHALL ESTABLISH PROCEDURES FOR CARRYING OUT THE NOTIFICATION
33 REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, INCLUDING THE
34 CIRCUMSTANCES UNDER AND MANNER IN WHICH NOTIFICATION SHALL BE
35 PROVIDED.

36 (III) THE DEPARTMENT AND A LOCAL LAW ENFORCEMENT AGENCY
37 MAY NOT RELEASE THE IDENTITY OF A VICTIM OF AN OFFENSE THAT REQUIRES
38 REGISTRATION UNDER THIS SECTION.

1 (8) A DISCLOSURE UNDER THIS SUBSECTION MAY NOT BE CONSTRUED
2 TO LIMIT OR PROHIBIT ANY OTHER DISCLOSURE PERMITTED OR REQUIRED UNDER
3 LAW.

4 (K) AN ELECTED PUBLIC OFFICIAL, PUBLIC EMPLOYEE, OR PUBLIC AGENCY
5 SHALL HAVE THE IMMUNITY DESCRIBED IN §§ 5-302 AND 5-522 OF THE COURTS
6 ARTICLE REGARDING CIVIL LIABILITY FOR DAMAGES ARISING OUT OF ANY ACTION
7 RELATING TO THE PROVISIONS OF THIS SECTION, UNLESS IT IS SHOWN THAT THE
8 OFFICIAL, EMPLOYEE, OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN BAD
9 FAITH.

10 (L) A REGISTRANT WHO KNOWINGLY FAILS TO REGISTER OR KNOWINGLY
11 PROVIDES FALSE INFORMATION OF A MATERIAL FACT AS REQUIRED BY THIS
12 SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO
13 IMPRISONMENT IN THE PENITENTIARY FOR NOT MORE THAN 3 YEARS OR A FINE OF
14 NOT MORE THAN \$5,000 OR BOTH.

15 (M) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
16 SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION
17 WITH ADVICE FROM THE CRIMINAL JUSTICE INFORMATION ADVISORY BOARD
18 ESTABLISHED UNDER § 744 OF THIS ARTICLE.

19 **Chapter 754 of the Acts of 1997, as amended by Chapter 21 of the Acts of 1998**

20 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
21 Sections 5 and 6 of this Act, this Act shall be construed only prospectively to apply to
22 offenses that are committed on or after [October] JULY 1, 1997, and may not be
23 applied or interpreted to have any effect on or application to any individual who
24 commits an offense before July 1, 1997.

25 **Chapter 754 of the Acts of 1997**

26 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
27 Public Safety and Correctional Services shall conduct public education and awareness
28 programs to inform the public of its ability to obtain information regarding a
29 registrant under this Act.

30 SECTION 5. AND BE IT FURTHER ENACTED, That a child sexual offender
31 who is subject to the requirements of Chapter 142 of the Acts of the General Assembly
32 of 1995 and who committed the sexual offense before the effective date of this Act is
33 subject to the requirements of this Act.

34 SECTION 6. AND BE IT FURTHER ENACTED, That provided that the second
35 or subsequent sexually violent offense occurred on or after the effective date of this
36 Act, for purposes of determining whether a person qualifies for determination of
37 sexually violent predator status a conviction for a sexually violent offense occurring
38 before the effective date of this Act shall be considered a prior offense.

1 SECTION 7. AND BE IT FURTHER ENACTED, That except as provided in
2 this Act, notwithstanding any provision of law to the contrary, this Act may not be
3 construed to impose a duty on or otherwise require a person to disclose that an
4 individual is registered under this Act.

5 SECTION 8. AND BE IT FURTHER ENACTED, That the Court of Appeals
6 may adopt rules governing the determination of sexually violent predators.

7 SECTION 9. AND BE IT FURTHER ENACTED, That the Department of Fiscal
8 Services shall report to the Senate Judicial Proceedings Committee and the House
9 Judiciary Committee, on or before July 1, 1999, on:

10 (1) The number of requests for registration statements received by local
11 law enforcement agencies and the Department of Public Safety and Correctional
12 Services; and

13 (2) The fiscal impact on local law enforcement agencies and the
14 Department of Public Safety and Correctional Services on complying with the
15 requests for registration statements.

16

Chapter 521 of the Acts of 1998

17 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
18 law to the contrary, this Act shall apply to child sexual offenders required to register
19 in another state for an offense occurring before October 1, 1995 and to other
20 registrants required to register in another state for an offense occurring before July 1,
21 1997.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect October 1, 1999.