

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 1999

CHAPTER _____

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; altering a certain
12 reporting requirement; defining certain terms; and generally relating to the
13 registration of certain child ~~and sexual offenders~~ sexual offenders, sexual
14 offenders, sexually violent offenders, and sexually violent predators.

15 BY repealing
16 Article 27 - Crimes and Punishments
17 Section 792
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1998 Supplement)

20 BY adding to
21 Article 27 - Crimes and Punishments
22 Section 792
23 Annotated Code of Maryland

1 (1996 Replacement Volume and 1998 Supplement)

2 BY repealing and reenacting, with amendments,
3 Chapter 754 of the Acts of the General Assembly of 1997, as amended by
4 Chapter 21 of the Acts of the General Assembly of 1998
5 Section 4

6 BY repealing and reenacting, without amendments,
7 Chapter 754 of the Acts of the General Assembly of 1997
8 Section 3, 5, 6, 7, ~~8,~~ and 9 and 8

9 BY repealing and reenacting, with amendments,
10 Chapter 754 of the Acts of the General Assembly of 1997
11 Section 9

12 BY repealing and reenacting, without amendments,
13 Chapter 521 of the Acts of the General Assembly of 1998
14 Section 2

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17 Annotated Code of Maryland be repealed.

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

20 **Article 27 - Crimes and Punishments**

21 792.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

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

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

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

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

33 (IV) HAS BEEN CONVICTED IN ANOTHER STATE, OR IN A FEDERAL,
34 MILITARY, OR NATIVE AMERICAN TRIBAL COURT, OF AN OFFENSE THAT, IF

1 COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE OFFENSES LISTED IN
2 ITEMS (I) AND (II) OF THIS PARAGRAPH.

3 (3) "CONVICTED" INCLUDES:

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

7 (II) A FINDING OF NOT CRIMINALLY RESPONSIBLE FOR AN
8 OFFENSE.

9 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY AND
10 CORRECTIONAL SERVICES.

11 (5) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE LAW
12 ENFORCEMENT AGENCY IN A COUNTY THAT HAS BEEN DESIGNATED BY
13 RESOLUTION OF THE COUNTY GOVERNING BODY AS THE PRIMARY LAW
14 ENFORCEMENT UNIT IN THE COUNTY.

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

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

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

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

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

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

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

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

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

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

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

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

6 (I) A CHILD SEXUAL OFFENDER;

7 (II) AN OFFENDER;

8 (III) A SEXUALLY VIOLENT OFFENDER;

9 (IV) A SEXUALLY VIOLENT PREDATOR;

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

14 (VI) AN OFFENDER, A SEXUALLY VIOLENT OFFENDER, OR A
15 SEXUALLY VIOLENT PREDATOR WHO, BEFORE MOVING INTO THIS STATE, WAS
16 REQUIRED TO REGISTER IN ANOTHER STATE OR BY A FEDERAL, MILITARY, OR
17 NATIVE AMERICAN TRIBAL COURT FOR AN OFFENSE OCCURRING BEFORE JULY 1,
18 1997; OR

19 (VII) A CHILD SEXUAL OFFENDER, OFFENDER, SEXUALLY VIOLENT
20 OFFENDER, OR SEXUALLY VIOLENT PREDATOR WHO IS REQUIRED TO REGISTER IN
21 ANOTHER STATE, WHO IS NOT A RESIDENT OF THIS STATE, AND WHO ENTERS THIS
22 STATE FOR THE PURPOSE OF:

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

28 2. ATTENDING ANY PUBLIC OR PRIVATE EDUCATIONAL
29 INSTITUTION, INCLUDING ANY SECONDARY SCHOOL, TRADE, OR PROFESSIONAL
30 INSTITUTION, OR INSTITUTION OF HIGHER EDUCATION, AS A STUDENT ON A
31 FULL-TIME OR PART-TIME BASIS.

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

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

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

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

3 (I) IS RELEASED;

4 (II) IS GRANTED PROBATION BEFORE JUDGMENT;

5 (III) IS GRANTED PROBATION AFTER JUDGMENT;

6 (IV) IS GRANTED A SUSPENDED SENTENCE; OR

7 (V) RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF
8 IMPRISONMENT.

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

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

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

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

16 (11) "SEXUALLY VIOLENT OFFENSE" MEANS:

17 (I) A VIOLATION OF ANY OF THE PROVISIONS OF § 462, § 463, § 464, §
18 464A, § 464B, OR § 464F OF THIS ARTICLE; OR

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

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

23 (I) IS CONVICTED OF A SECOND OR SUBSEQUENT SEXUALLY
24 VIOLENT OFFENSE; AND

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

27 (13) "SUPERVISING AUTHORITY" MEANS:

28 (I) IF THE REGISTRANT IS IN THE CUSTODY OF A FACILITY
29 OPERATED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES,
30 THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

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

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

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

7 (V) IF THE REGISTRANT IS IN THE CUSTODY OF A FACILITY
8 OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE
9 SECRETARY OF HEALTH AND MENTAL HYGIENE;

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

12 (VII) IF THE REGISTRANT IS IN THE STATE UNDER THE TERMS AND
13 CONDITIONS OF THE INTERSTATE COMPACT AGREEMENTS UNDER ARTICLE 41, §§
14 4-801 AND 4-1201 THROUGH 4-1211 OF THE CODE, THE SECRETARY OF PUBLIC
15 SAFETY AND CORRECTIONAL SERVICES;

16 (VIII) IF THE REGISTRANT MOVES TO THIS STATE AND WAS
17 CONVICTED IN ANOTHER STATE OF AN OFFENSE THAT WOULD REQUIRE THE
18 INDIVIDUAL TO REGISTER IF THE OFFENSE WAS COMMITTED IN THIS STATE, THE
19 SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

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

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

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

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

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

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

37 (I) ANY EVIDENCE THAT THE COURT CONSIDERS APPROPRIATE TO
38 THE DETERMINATION OF WHETHER THE INDIVIDUAL IS A SEXUALLY VIOLENT

1 PREDATOR, INCLUDING THE PRESENTENCING INVESTIGATION AND SEXUALLY
2 VIOLENT OFFENDER'S INMATE RECORD;

3 (II) ANY EVIDENCE INTRODUCED BY THE INDIVIDUAL CONVICTED;
4 AND

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

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

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

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

- 16 1. IS RELEASED;
- 17 2. IS GRANTED PROBATION BEFORE JUDGMENT;
- 18 3. IS GRANTED PROBATION AFTER JUDGMENT;
- 19 4. IS GRANTED A SUSPENDED SENTENCE; OR
- 20 5. RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM
21 OF IMPRISONMENT; OR

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

- 24 1. ESTABLISHES A TEMPORARY OR PERMANENT RESIDENCE
25 IN THIS STATE; OR
- 26 2. APPLIES FOR A DRIVER'S LICENSE IN THIS STATE; OR

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

- 29 1. BEGINS EMPLOYMENT IN THIS STATE; OR
- 30 2. REGISTERS AS A STUDENT IN THIS STATE.

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

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

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

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

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

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

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

18 (I) THE LAST DATE OF RELEASE;

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

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

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

25 (I) FOR 10 YEARS; OR

26 (II) FOR LIFE, IF CONVICTED OF:

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

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

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

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

1 (I) FOR 10 YEARS; OR

2 (II) FOR LIFE, IF CONVICTED OF:

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

5 2. A SECOND VIOLATION AS A SEXUALLY VIOLENT
6 OFFENDER.

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

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

13 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, REGISTRATION
14 SHALL CONSIST OF A STATEMENT SIGNED AND DATED BY A REGISTRANT WHICH
15 INCLUDES:

16 (I) THE REGISTRANT'S NAME, ADDRESS, AND ~~PLACE OF~~
17 ~~EMPLOYMENT;~~

18 1. FOR AN INDIVIDUAL WHO QUALIFIES AS A REGISTRANT
19 UNDER SUBSECTION (A)(7)(VII)1 OF THIS SECTION, PLACE OF EMPLOYMENT; OR

20 2. FOR AN INDIVIDUAL WHO QUALIFIES AS A REGISTRANT
21 UNDER SUBSECTION (A)(7)(VII)2 OF THIS SECTION, PLACE OF EDUCATIONAL
22 INSTITUTION OR SCHOOL ENROLLMENT;

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

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

28 (IV) THE JURISDICTION IN WHICH THE REGISTRANT WAS
29 CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND NOT
30 CRIMINALLY RESPONSIBLE;

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

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

34 (2) IF THE REGISTRANT IS A SEXUALLY VIOLENT PREDATOR, THE
35 REGISTRATION STATEMENT SHALL ALSO INCLUDE:

- 1 (I) IDENTIFYING FACTORS, INCLUDING PHYSICAL DESCRIPTION;
2 (II) ANTICIPATED FUTURE RESIDENCE, IF KNOWN AT THE TIME OF
3 REGISTRATION;
4 (III) OFFENSE HISTORY; AND
5 (IV) DOCUMENTATION OF TREATMENT RECEIVED FOR A MENTAL
6 ABNORMALITY OR PERSONALITY DISORDER.

7 (F) (1) WHEN A REGISTRANT REGISTERS, THE SUPERVISING AUTHORITY
8 SHALL:

9 (I) EXPLAIN THE REQUIREMENTS OF THIS SECTION TO THE
10 REGISTRANT, INCLUDING:

11 1. THE DUTIES OF A REGISTRANT WHEN THE REGISTRANT
12 CHANGES RESIDENCE ADDRESS IN THIS STATE;

13 2. THE REQUIREMENT FOR A CHILD SEXUAL OFFENDER TO
14 REGISTER, IN PERSON WITH THE LOCAL LAW ENFORCEMENT AGENCY OF THE
15 COUNTY WHERE THE CHILD SEXUAL OFFENDER WILL RESIDE OR WHERE THE CHILD
16 SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THIS STATE WILL WORK OR ATTEND
17 SCHOOL; AND

18 3. THE REQUIREMENT THAT IF THE REGISTRANT CHANGES
19 RESIDENCE ADDRESS, EMPLOYMENT, OR SCHOOL ENROLLMENT TO ANOTHER STATE
20 THAT HAS A REGISTRATION REQUIREMENT, THE REGISTRANT SHALL REGISTER
21 WITH THE DESIGNATED LAW ENFORCEMENT AGENCY OF THAT STATE WITHIN 7
22 DAYS OF THE CHANGE;

23 (II) GIVE WRITTEN NOTICE TO THE REGISTRANT OF THE
24 REQUIREMENTS OF THIS SECTION; AND

25 (III) OBTAIN A STATEMENT SIGNED BY THE REGISTRANT
26 ACKNOWLEDGING THAT THE SUPERVISING AUTHORITY EXPLAINED THE
27 REQUIREMENTS OF THIS SECTION AND PROVIDED WRITTEN NOTICE TO THE
28 REGISTRANT.

29 (2) THE SUPERVISING AUTHORITY SHALL OBTAIN A PHOTOGRAPH AND
30 FINGERPRINTS OF THE REGISTRANT AND ATTACH THE PHOTOGRAPH AND
31 FINGERPRINTS TO THE REGISTRATION STATEMENT.

32 (3) WITHIN 5 DAYS OF OBTAINING A REGISTRATION STATEMENT, THE
33 SUPERVISING AUTHORITY SHALL SEND A COPY OF THE REGISTRATION STATEMENT,
34 THE REGISTRANT'S FINGERPRINTS, AND A PHOTOGRAPH OF THE REGISTRANT TO
35 THE LOCAL LAW ENFORCEMENT AGENCY IN THE COUNTY WHERE THE REGISTRANT
36 WILL RESIDE, OR WHERE A REGISTRANT WHO IS NOT A RESIDENT WILL WORK OR
37 ATTEND SCHOOL.

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

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

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

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

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

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

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

32 (4) IF A REGISTRANT WILL RESIDE AFTER RELEASE IN A MUNICIPAL
33 CORPORATION THAT HAS A POLICE DEPARTMENT, OR, IN THE CASE WHERE A
34 REGISTRANT ESCAPES FROM A FACILITY AND THE REGISTRANT RESIDED, BEFORE
35 THE REGISTRANT WAS COMMITTED TO THE CUSTODY OF A SUPERVISING
36 AUTHORITY, IN A MUNICIPAL CORPORATION THAT HAS A POLICE DEPARTMENT, A
37 LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES A NOTICE FROM A
38 SUPERVISING AUTHORITY UNDER THIS SECTION SHALL SEND A COPY OF THE
39 NOTICE TO THE POLICE DEPARTMENT OF THE MUNICIPAL CORPORATION.

40 (H) (1) THE DEPARTMENT SHALL:

41 (I) MAINTAIN A CENTRAL REGISTRY OF REGISTRANTS;

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

5 (III) REIMBURSE SUPERVISING AUTHORITIES FOR THE COST OF
6 PROCESSING THE REGISTRATION STATEMENTS OF REGISTRANTS, INCLUDING THE
7 TAKING OF FINGERPRINTS AND PHOTOGRAPHS.

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

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

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

16 (III) IF THE REGISTRATION IS PREMISED ON A CONVICTION UNDER
17 FEDERAL, MILITARY, OR NATIVE AMERICAN TRIBAL LAW, THE DESIGNATED FEDERAL
18 AGENCY.

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

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

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

28 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN THE
29 JURISDICTION IN WHICH THE REGISTRANT RESIDED BEFORE THE REGISTRANT WAS
30 COMMITTED TO THE CUSTODY OF THE SUPERVISING AUTHORITY; AND

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

33 (2) IF THE REGISTRANT IS RECAPTURED, THE SUPERVISING AUTHORITY
34 SHALL SEND NOTICE, AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 2
35 WORKING DAYS AFTER THE SUPERVISING AUTHORITY LEARNS OF THE RECAPTURE,
36 TO:

1 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN THE
2 JURISDICTION IN WHICH THE REGISTRANT RESIDED BEFORE THE REGISTRANT WAS
3 COMMITTED TO THE CUSTODY OF THE SUPERVISING AUTHORITY; AND

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

6 (J) (1) A REGISTRATION STATEMENT PROVIDED TO ~~AN INDIVIDUAL OR~~
7 ~~ORGANIZATION A PERSON~~ UNDER THIS SECTION SHALL INCLUDE A COPY OF THE
8 COMPLETED REGISTRATION FORM AND A COPY OF A PHOTOGRAPH OF THE
9 REGISTRANT, BUT NEED NOT INCLUDE THE REGISTRANT'S FINGERPRINTS.

10 (2) INFORMATION REGARDING ANY INDIVIDUAL WHO RECEIVES NOTICE
11 UNDER PARAGRAPH (3) OF THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE
12 DISCLOSED TO THE REGISTRANT OR ANY OTHER ~~INDIVIDUAL, AGENCY, OR ENTITY~~
13 PERSON.

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

17 1. THE VICTIM OF THE CRIME FOR WHICH THE REGISTRANT
18 WAS CONVICTED OR, IF THE VICTIM IS A MINOR, THE PARENTS OR LEGAL GUARDIAN
19 OF THE VICTIM;

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

22 3. ANY INDIVIDUAL SPECIFIED IN WRITING BY THE STATE'S
23 ATTORNEY.

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

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

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

33 1. SHALL SEND TO THE INDIVIDUAL WHO SUBMITTED THE
34 REQUEST ONE COPY OF THE REGISTRATION STATEMENT OF EACH CHILD SEXUAL
35 OFFENDER AND EACH SEXUALLY VIOLENT PREDATOR ON RECORD WITH THE
36 AGENCY; AND

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

4 (II) A REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH
5 SHALL CONTAIN:

6 1. THE NAME AND ADDRESS OF THE INDIVIDUAL
7 SUBMITTING THE REQUEST; AND

8 2. THE REASON FOR REQUESTING THE INFORMATION.

9 (III) A LOCAL LAW ENFORCEMENT AGENCY SHALL KEEP RECORDS
10 OF ALL WRITTEN REQUESTS RECEIVED UNDER SUBPARAGRAPH (I) OF THIS
11 PARAGRAPH.

12 (6) THE DEPARTMENT SHALL RELEASE REGISTRATION STATEMENTS OR
13 INFORMATION CONCERNING REGISTRATION STATEMENTS TO THE PUBLIC IN
14 ACCORDANCE WITH REGULATIONS ESTABLISHED BY THE DEPARTMENT.

15 (7) (I) IN ADDITION TO THE NOTICE REQUIRED UNDER SUBSECTION
16 (G)(1)(II) OF THIS SECTION, THE DEPARTMENT AND A LOCAL LAW ENFORCEMENT
17 AGENCY SHALL PROVIDE NOTICE OF A REGISTRATION STATEMENT TO ANY
18 ~~INDIVIDUAL OR ORGANIZATION~~ PERSON THAT THE DEPARTMENT OR LOCAL LAW
19 ENFORCEMENT AGENCY DETERMINES MAY SERVE TO PROTECT THE PUBLIC
20 CONCERNING A SPECIFIC REGISTRANT IF THE DEPARTMENT OR THE AGENCY
21 DETERMINES THAT SUCH NOTICE IS NECESSARY TO PROTECT THE PUBLIC.

22 (II) THE DEPARTMENT AND LOCAL LAW ENFORCEMENT AGENCIES
23 SHALL ESTABLISH PROCEDURES FOR CARRYING OUT THE NOTIFICATION
24 REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, INCLUDING THE
25 CIRCUMSTANCES UNDER AND MANNER IN WHICH NOTIFICATION SHALL BE
26 PROVIDED.

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

30 (8) A DISCLOSURE UNDER THIS SUBSECTION MAY NOT BE CONSTRUED
31 TO LIMIT OR PROHIBIT ANY OTHER DISCLOSURE PERMITTED OR REQUIRED UNDER
32 LAW.

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

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

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

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

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

16 **Chapter 754 of the Acts of 1997**

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

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

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

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

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

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

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

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

7

Chapter 521 of the Acts of 1998

8 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
9 law to the contrary, this Act shall apply to child sexual offenders required to register
10 in another state for an offense occurring before October 1, 1995 and to other
11 registrants required to register in another state for an offense occurring before July 1,
12 1997.

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