

SENATE BILL 610

Unofficial Copy
E4

1999 Regular Session
9r2212
CF HB 229

By: **Senators Ferguson, Stone, Jimeno, Colburn, Haines, and Mooney**
Introduced and read first time: February 5, 1999
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Sexual Offenses - Registrants - Listing on Internet**

3 FOR the purpose of requiring the Department of Public Safety and Correctional
4 Services to post on the Internet a current listing of each person who is registered
5 with the Department as an offender, child sexual offender, sexually violent
6 offender, or sexually violent predator; requiring that the listing include each
7 registrant's name, offense, and other identifying information in accordance with
8 regulations that the Department establishes; and generally relating to the
9 listing on the Internet of persons who are registered with the Department as
10 having committed certain sexual offenses.

11 BY repealing and reenacting, without amendments,
12 Article 27 - Crimes and Punishments
13 Section 792(a)(1), (2), (6), (7), (9), (10), and (11)
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1998 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 27 - Crimes and Punishments
18 Section 792(d)(5)
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1998 Supplement)

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

23 **Article 27 - Crimes and Punishments**

24 792.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) "Child sexual offender" means a person who:

1 (i) Has been convicted of violating § 35C of this article for an
2 offense involving sexual abuse;

3 (ii) Has been convicted of violating any of the provisions of §§ 462
4 through 464B of this article for an offense involving an individual under the age of 15
5 years;

6 (iii) Has been convicted of violating § 464C of this article for an
7 offense involving an individual under the age of 15 years and has been ordered by the
8 court to register under this section; or

9 (iv) Has been convicted in another state of an offense that, if
10 committed in this State, would constitute one of the offenses listed in items (i) and (ii)
11 of this paragraph.

12 (6) "Offender" means a person who is ordered by the court to register
13 under this section and who:

14 (i) Has been convicted of violating § 1, § 2, or § 338 of this article;

15 (ii) Has been convicted of violating § 337 of this article if the victim
16 is under the age of 18 years;

17 (iii) Has been convicted of the common law crime of false
18 imprisonment if the victim is under the age of 18 years and the offender is not the
19 victim's parent;

20 (iv) Has been convicted of violating § 464C of this article if the
21 victim is under the age of 18 years;

22 (v) Has been convicted of soliciting a minor to engage in sexual
23 conduct;

24 (vi) Has been convicted of violating § 419A of this article;

25 (vii) Has been convicted of violating § 15 of this article or any of the
26 provisions of §§ 426 through 433 of this article if the intended prostitute is under the
27 age of 18 years;

28 (viii) Has been convicted of a crime that involves conduct that by its
29 nature is a sexual offense against an individual under the age of 18 years;

30 (ix) Has been convicted of an attempt to commit a crime listed in
31 items (i) through (viii) of this paragraph; or

32 (x) Has been convicted in another state of an offense that, if
33 committed in this State, would constitute one of the offenses listed in items (i)
34 through (ix) of this paragraph.

35 (7) "Registrant" means a person who is:

- 1 (i) A child sexual offender;
- 2 (ii) An offender;
- 3 (iii) A sexually violent offender;
- 4 (iv) A sexually violent predator;
- 5 (v) A child sexual offender who, before moving into this State, was
6 required to register in another state for an offense occurring before October 1, 1995;
7 or
- 8 (vi) An offender, a sexually violent offender, or a sexually violent
9 predator who, before moving into this State, was required to register in another state
10 for an offense occurring before July 1, 1997.

11 (9) "Sexually violent offense" means:

- 12 (i) A violation of any of the provisions of § 462, § 463, § 464, § 464A,
13 § 464B, or § 464F of this article; or
- 14 (ii) Assault with intent to commit rape in the first or second degree
15 or a sexual offense in the first or second degree as previously proscribed under former
16 § 12 of this article.

17 (10) "Sexually violent offender" means a person who:

- 18 (i) Has been convicted of a sexually violent offense;
- 19 (ii) Has been convicted of an attempt to commit a sexually violent
20 offense; or
- 21 (iii) Has been convicted in another state of an offense that, if
22 committed in this State, would constitute a sexually violent offense.

23 (11) "Sexually violent predator" means a person who:

- 24 (i) Is convicted of a second or subsequent sexually violent offense;
25 and
- 26 (ii) Has been determined in accordance with this section to be at
27 risk of committing a subsequent sexually violent offense.

28 (d) (5) The Department shall release registration statements or information
29 concerning registration statements to the public AND MAY POST ON THE INTERNET A
30 CURRENT LISTING OF EACH REGISTRANT'S NAME, OFFENSE, AND OTHER
31 IDENTIFYING INFORMATION, in accordance with regulations established by the
32 Department.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1999.

