

SENATE BILL 635

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1999 Regular Session
9r1999
CF 9r2101

By: **Senators Stone and Della**
Introduced and read first time: February 5, 1999
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Sex Offender Registration - Immunity for Community**
3 **Associations**

4 FOR the purpose of providing immunity from liability for certain community
5 associations and its members for certain acts or omissions; and generally
6 relating to the registration of sex offenders.

7 BY repealing and reenacting, without amendments,
8 Article 27 - Crimes and Punishments
9 Section 792(d)(1) and (6) and (f)(3) and (4)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1998 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article 27 - Crimes and Punishments
14 Section 792(l)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1998 Supplement)

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

19 **Article 27 - Crimes and Punishments**

20 792.

21 (d) (1) Registration shall consist of a statement signed by a registrant which
22 shall include:

23 (i) The registrant's name, address, and place of employment;

24 (ii) A description of the crime for which the registrant was
25 convicted, granted probation before judgment, or found not criminally responsible;

- 1 (iii) The date that the registrant was convicted, granted probation
2 before judgment, or found not criminally responsible;
- 3 (iv) The jurisdiction in which the registrant was convicted, granted
4 probation before judgment, or found not criminally responsible;
- 5 (v) A list of any aliases that have been used by the registrant; and
- 6 (vi) The registrant's Social Security number.
- 7 (6) (i) Subject to subparagraph (ii) of this paragraph, upon written
8 request to a local law enforcement agency, the agency:
- 9 1. Shall send to the person who submitted the request one
10 copy of the registration statement of each child sexual offender and each sexually
11 violent predator on record with the agency; and
- 12 2. May send to the person who submitted the request one
13 copy of the registration statement of any registrant not described in item 1 of this
14 subparagraph on record with the agency.
- 15 (ii) A request under subparagraph (i) of this paragraph shall
16 contain:
- 17 1. The name and address of the person submitting the
18 request; and
- 19 2. The reason for requesting the information.
- 20 (iii) A local law enforcement agency shall keep records of all written
21 requests received under subparagraph (i) of this paragraph.
- 22 (f) (3) In addition to the notice required under paragraph (1) of this
23 subsection, the Department and a local law enforcement agency shall provide notice
24 of a registration statement to any person or organization that the Department or local
25 law enforcement agency determines may serve to protect the public concerning a
26 specific registrant if the Department or the agency determines that such notice is
27 necessary to protect the public.
- 28 (4) (i) The Department and local law enforcement agencies shall
29 establish procedures for carrying out the notification requirements of paragraph (3) of
30 this subsection, including the circumstances under and manner in which notification
31 shall be provided.
- 32 (ii) A local law enforcement agency and the Department of Public
33 Safety and Correctional Services may not release the identity of a victim of an offense
34 that requires registration under this section.
- 35 (l) (1) An elected public official, public employee, or public agency shall
36 have the immunity described in §§ 5-522 and 5-302 of the Courts Article regarding

1 civil liability for damages arising out of any action relating to the provisions of this
2 section, unless it is shown that the official, employee, or agency acted with gross
3 negligence or in bad faith.

4 (2) A COMMUNITY ASSOCIATION AND ITS MEMBERS, ACTING IN GOOD
5 FAITH AND WITHIN THE SCOPE OF THEIR DUTIES OR AUTHORITY ARE IMMUNE FROM
6 CIVIL LIABILITY FOR DAMAGES ARISING OUT OF AN ACTION FOR DISTRIBUTING OR
7 FAILING TO DISTRIBUTE INFORMATION CONTAINED IN A REGISTRATION
8 STATEMENT.

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