
By: **Delegates K. Kelly, Doory, Dembrow, Edwards, Shank, Donoghue, and McKee**

Introduced and read first time: January 28, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Registration of Offenders and Sex Offenders -**
3 **Required Disclosures**

4 FOR the purpose of requiring a local law enforcement agency on written request to
5 send, under certain circumstances, a copy of the registration statement for each
6 sexually violent offender or offender whose registration statement is on record
7 with the law enforcement agency to the person who submitted the request; and
8 generally relating to disclosure of registration statements of offenders and sex
9 offenders.

10 BY repealing and reenacting, without amendments,
11 Article 27 - Crimes and Punishments
12 Section 792(a)(2), (5), (6), (7), (10), (11), and (12)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1999 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 27 - Crimes and Punishments
17 Section 792(j)(5)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1999 Supplement)

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

22 **Article 27 - Crimes and Punishments**

23 792.

24 (a) (2) "Child sexual offender" means an individual who:

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

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

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

7 (iv) Has been convicted in another state, or in a federal, military, or
8 Native American tribal court, of an offense that, if committed in this State, would
9 constitute one of the offenses listed in items (i) and (ii) of this paragraph.

10 (5) "Local law enforcement agency" means the law enforcement agency
11 in a county that has been designated by resolution of the county governing body as
12 the primary law enforcement unit in the county.

13 (6) "Offender" means an individual who is ordered by the court to
14 register under this section and who:

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

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

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

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

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

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

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

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

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

33 (x) Has been convicted in another state, or in a federal, military, or
34 Native American tribal court, of an offense that, if committed in this State, would
35 constitute one of the offenses listed in items (i) through (ix) of this paragraph.

36 (7) "Registrant" means an individual 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 or by a federal, military, or Native American
7 tribal court for an offense occurring before October 1, 1995;
- 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 or by a federal, military, or Native American tribal court for an offense occurring
11 before July 1, 1997; or
- 12 (vii) A child sexual offender, offender, sexually violent offender, or
13 sexually violent predator who is required to register in another state, who is not a
14 resident of this State, and who enters this State for the purpose of:
- 15 1. Employment, or to carry on a vocation, that is full time or
16 part time for a period of the time exceeding 14 days or for an aggregate period of time
17 exceeding 30 days during any calendar year, whether financially compensated,
18 volunteered, or for the purpose of government or educational benefit; or
- 19 2. Attending any public or private educational institution,
20 including any secondary school, trade, or professional institution, or institution of
21 higher education, as a student on a full-time or part-time basis.
- 22 (10) "Sexually violent offender" means an individual who:
- 23 (i) Has been convicted of a sexually violent offense;
- 24 (ii) Has been convicted of an attempt to commit a sexually violent
25 offense; or
- 26 (iii) Has been convicted in another state, or in a federal, military, or
27 Native American tribal court, of an offense that, if committed in this State, would
28 constitute a sexually violent offense.
- 29 (11) "Sexually violent offense" means:
- 30 (i) A violation of any of the provisions of § 462, § 463, § 464, § 464A,
31 § 464B, or § 464F of this article; or
- 32 (ii) Assault with intent to commit rape in the first or second degree
33 or a sexual offense in the first or second degree as previously proscribed under former
34 § 12 of this article.
- 35 (12) "Sexually violent predator" means an individual who:

1 (i) Is convicted of a second or subsequent sexually violent offense;
2 and

3 (ii) Has been determined in accordance with this section to be at
4 risk of committing a subsequent sexually violent offense.

5 (j) (5) (i) Subject to subparagraph (ii) of this paragraph, upon written
6 request to a local law enforcement agency, the agency[:

7 1. Shall] SHALL send to the individual who submitted the
8 request one copy of the registration statement of each [child sexual offender and each
9 sexually violent predator] REGISTRANT on record with the agency[; and

10 2. May send to the individual who submitted the request one
11 copy of the registration statement of any registrant not described in item 1 of this
12 subparagraph on record with the agency].

13 (ii) A request under subparagraph (i) of this paragraph shall
14 contain:

15 1. The name and address of the individual submitting the
16 request; and

17 2. The reason for requesting the information.

18 (iii) A local law enforcement agency shall keep records of all written
19 requests received under subparagraph (i) of this paragraph.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2000.