

HOUSE BILL 629

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E4
HB 289/00 - JUD

2001 Regular Session
1r1675

By: **Delegate K. Kelly**

Introduced and read first time: February 7, 2001

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 - Criminal Procedure
12 Section 11-701(b), (c), (d), (f), (g), and (h)
13 Annotated Code of Maryland
14 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
15 2001)

16 BY repealing and reenacting, with amendments,
17 Article - Criminal Procedure
18 Section 11-716
19 Annotated Code of Maryland
20 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
21 2001)

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

24 **Article - Criminal Procedure**

25 11-701.

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

1 (1) has been convicted of violating the abuse of children statute under
2 Article 27, § 35C of the Code for a crime involving sexual abuse of a child under the
3 age of 18 years;

4 (2) has been convicted of violating any of the provisions of the rape or
5 sexual offense statutes under Article 27, §§ 462 through 464B of the Code for a crime
6 involving a child under the age of 15 years;

7 (3) has been convicted of violating the fourth degree sexual offense
8 statute under Article 27, § 464C of the Code for a crime involving a child under the
9 age of 15 years and has been ordered by the court to register under this subtitle; or

10 (4) has been convicted in another state or in a federal, military, or Native
11 American tribal court of a crime that, if committed in this State, would constitute one
12 of the crimes listed in items (1) and (2) of this subsection.

13 (c) "Local law enforcement unit" means the law enforcement unit in a county
14 that has been designated by resolution of the county governing body or created by law
15 as the primary law enforcement unit in the county.

16 (d) "Offender" means a person who is ordered by a court to register under this
17 subtitle and who:

18 (1) has been convicted of violating child abduction or kidnapping
19 statutes under Article 27, § 1, § 2, or § 338 of the Code;

20 (2) has been convicted of violating the kidnapping statute under Article
21 27, § 337 of the Code or the fourth degree sexual offense statute under Article 27, §
22 464C of the Code, if the victim is under the age of 18 years;

23 (3) has been convicted of the common law crime of false imprisonment, if
24 the victim is under the age of 18 years and the person is not the victim's parent;

25 (4) has been convicted of a crime that involves soliciting a person under
26 the age of 18 years to engage in sexual conduct;

27 (5) has been convicted of violating the child pornography statute under
28 Article 27, § 419A of the Code;

29 (6) has been convicted of violating the prostitution statute under Article
30 27, § 15 of the Code or any of the pandering statutes under Article 27, §§ 426 through
31 433 of the Code if the intended prostitute is under the age of 18 years;

32 (7) has been convicted of a crime that involves conduct that by its nature
33 is a sexual offense against a person under the age of 18 years;

34 (8) has been convicted of an attempt to commit a crime listed in items (1)
35 through (7) of this subsection; or

(9) has been convicted in another state or in a federal, military, or Native American tribal court of a crime that, if committed in this State, would constitute one of the crimes listed in items (1) through (8) of this subsection.

(f) "Sexually violent offender" means a person who:

(1) has been convicted of a sexually violent offense;

(2) has been convicted of an attempt to commit a sexually violent offense;
or

(3) has been convicted in another state or in a federal, military, or Native American tribal court of a crime that, if committed in this State, would constitute a sexually violent offense.

(g) "Sexually violent offense" means:

(1) a violation of Article 27, § 462, § 463, § 464, § 464A, § 464B, or § 464F of the Code; or

(2) assault with intent to commit rape in the first or second degree or a sexual offense in the first or second degree as prohibited on or before September 30, 1996, under former Article 27, § 12 of the Code.

(h) "Sexually violent predator" means a person who:

(1) is convicted of a subsequent sexually violent offense; and

(2) has been determined in accordance with this subtitle to be at risk of committing another sexually violent offense.

11-716.

(a) Subject to subsection (b) of this section, on written request to a local law enforcement unit, the unit[:

(1)] shall send to the person who submitted the request one copy of the registration statement of each [child sexual offender and each sexually violent predator] REGISTRANT on record with the unit[; and

(2) may send to the person who submitted the request one copy of the registration statement of any registrant not described in item (1) of this subsection on record with the unit].

(b) A request under subsection (a) of this section shall contain:

(1) the name and address of the person who submits the request; and

(2) the reason for the request.

1 (c) A local law enforcement unit shall keep records of all written requests
2 received under subsection (a) of this section.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2001.