
By: **Delegate K. Kelly**
Introduced and read first time: February 7, 2001
Assigned to: Judiciary

Committee Report: Favorable
House action: Adopted
Read second time: March 16, 2001

CHAPTER _____

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:

1

Article - Criminal Procedure

2 11-701.

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

4 (1) has been convicted of violating the abuse of children statute under
5 Article 27, § 35C of the Code for a crime involving sexual abuse of a child under the
6 age of 18 years;7 (2) has been convicted of violating any of the provisions of the rape or
8 sexual offense statutes under Article 27, §§ 462 through 464B of the Code for a crime
9 involving a child under the age of 15 years;10 (3) has been convicted of violating the fourth degree sexual offense
11 statute under Article 27, § 464C of the Code for a crime involving a child under the
12 age of 15 years and has been ordered by the court to register under this subtitle; or13 (4) has been convicted in another state or in a federal, military, or Native
14 American tribal court of a crime that, if committed in this State, would constitute one
15 of the crimes listed in items (1) and (2) of this subsection.16 (c) "Local law enforcement unit" means the law enforcement unit in a county
17 that has been designated by resolution of the county governing body or created by law
18 as the primary law enforcement unit in the county.19 (d) "Offender" means a person who is ordered by a court to register under this
20 subtitle and who:21 (1) has been convicted of violating child abduction or kidnapping
22 statutes under Article 27, § 1, § 2, or § 338 of the Code;23 (2) has been convicted of violating the kidnapping statute under Article
24 27, § 337 of the Code or the fourth degree sexual offense statute under Article 27, §
25 464C of the Code, if the victim is under the age of 18 years;26 (3) has been convicted of the common law crime of false imprisonment, if
27 the victim is under the age of 18 years and the person is not the victim's parent;28 (4) has been convicted of a crime that involves soliciting a person under
29 the age of 18 years to engage in sexual conduct;30 (5) has been convicted of violating the child pornography statute under
31 Article 27, § 419A of the Code;32 (6) has been convicted of violating the prostitution statute under Article
33 27, § 15 of the Code or any of the pandering statutes under Article 27, §§ 426 through
34 433 of the Code if the intended prostitute is under the age of 18 years;35 (7) has been convicted of a crime that involves conduct that by its nature
36 is a sexual offense against a person under the age of 18 years;

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

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

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

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

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

10 (3) 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 a
12 sexually violent offense.

13 (g) "Sexually violent offense" means:

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

16 (2) assault with intent to commit rape in the first or second degree or a
17 sexual offense in the first or second degree as prohibited on or before September 30,
18 1996, under former Article 27, § 12 of the Code.

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

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

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

23 11-716.

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

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

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

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

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

1 (2) the reason for the request.

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

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