

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

House Bill 629

(Delegate K. Kelly)

Judiciary

Judicial Proceedings

Criminal Procedure - Registration of Offenders and Sex Offenders - Required Disclosures

This bill requires a local law enforcement agency to send a copy of the registration statement for each sexual offender registrant on record with the law enforcement agency to a person who has submitted a written request.

Fiscal Summary

State Effect: Minimal. The bill's requirements would not have any measurable effect on State operations or finances.

Local Effect: Minimal. The bill's requirements would not have any measurable effect on local governmental operations or finances. For some jurisdictions, this bill codifies current practice.

Small Business Effect: None.

Analysis

Current Law: A local law enforcement agency is required to send a copy of each registration statement of a "child sexual offender" and "sexually violent predator" to an individual who submits a written request that includes the individual's name, address, and reason for the request. The local law enforcement agency is allowed, but not required, to include registration statements of "offenders" and "sexually violent offenders."

Background: Maryland first enacted its version of Megan's Law during the 1995 session (Chapter 142 of the Acts of 1995). Current law requires the registration of: (1)

all child sexual offenders convicted of offenses occurring after October 1, 1995; and (2) all other “registrants” to whom the registration requirements apply who were convicted of offenses occurring on or after July 1, 1997.

The following classifications of offenders are registrants subject to the State’s Megan’s Law:

- (1) a “child sexual offender,” defined as a person convicted of child sexual abuse; first or second degree rape or first, second, or third degree sexual offense involving a child under the age of 15 years; or fourth degree sexual offense involving an individual under the age of 15 years if ordered to register by the court;
- (2) an “offender,” defined as a person convicted of abducting or kidnaping a person under 18; child pornography; soliciting a minor to engage in sexual conduct; prostitution or pandering if the intended prostitute is under the age of 18; a fourth degree sexual offense if the victim is under the age of 18; or an attempt to commit any of these offenses;
- (3) a “sexually violent offender,” defined as a person who is convicted of a sexually violent offense or an attempt to commit a sexually violent offense; and
- (4) a “sexually violent predator,” defined as a person who has been convicted of a subsequent sexually violent offense and designated by the sentencing court as a sexually violent predator (at risk of committing a subsequent sexually violent offense).

For the purposes of the statute, “sexually violent offense” means first or second degree rape; first, second, or third degree sexual offense; an attempt to commit first or second degree rape or sexual offense; and assault with intent to commit rape or sexual offense in the first or second degree. Also, a conviction includes a finding of not criminally responsible or, if the court orders registration, a probation before judgment. The registration requirements also apply to individuals convicted of similar offenses in other jurisdictions if they move to, work in, or go to school in the State.

Under current Maryland law, all child sexual offenders convicted after October 1, 1995, and all other registrants convicted of offenses committed on or after July 1, 1997, are subject to the registration requirements after release from custody. A release includes release on parole, mandatory supervision, work release, and any type of temporary leave other than leave granted on an emergency basis.

There are currently about 1,300 persons in the registry.

Additional Information

Prior Introductions: HB 289 of 2000 received an unfavorable report by the House Judiciary Committee.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Allegany County, Montgomery County, Prince George's County, Department of Legislative Services

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ef/jr

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