

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 1189

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first “certain” in line 3 down through “requirements” in line 8 and substitute “the definition of “sexually violent offense” to include certain crimes committed in certain jurisdictions that if committed in this State would constitute certain offenses; altering the definition of “sexually violent predator” to include certain offenders and certain persons who have been determined to be sexually violent predators under the laws of certain jurisdictions; requiring a certain sex offender registrant who commences or terminates a certain enrollment or employment at an institution of higher education in the State to provide a certain notice within a certain time period; requiring a certain registration statement to include the name and address of a certain institution of higher education if a certain registrant is enrolled or carrying on employment or expecting to enroll or carry on employment in a certain manner; clarifying the calculation of a certain term of registration; requiring that certain notifications be mailed to certain campus police agencies or law enforcement agencies having a certain jurisdiction within a certain time period under certain circumstances; requiring certain institutions to provide certain advice to a campus community; providing that an institution of higher education is not prohibited from disclosing certain information; providing that it is a misdemeanor subject to a certain penalty to knowingly fail to provide a certain notice; altering certain definitions; defining certain terms; making certain conforming changes”; after line 9, insert:

“BY adding to

Article - Criminal Procedure

Section 11-701(b-1) and 11-705(e)

Annotated Code of Maryland

(2001 Volume)”;

in line 12, strike “(h)” and substitute “(f), (g), (h),”; and in the same line, after “11-708(a)” insert “and (c)”.

(Over)

AMENDMENT NO. 2

On page 1, strike in their entirety lines 20 through 24, inclusive, and substitute:

“(B-1) “EMPLOYMENT” MEANS AN OCCUPATION, JOB, OR VOCATION THAT IS FULL-TIME OR PART-TIME FOR A PERIOD EXCEEDING 14 DAYS OR FOR AN AGGREGATE PERIOD EXCEEDING 30 DAYS DURING A CALENDAR YEAR, WHETHER FINANCIALLY COMPENSATED, VOLUNTEERED, OR FOR THE PURPOSE OF GOVERNMENT OR EDUCATIONAL BENEFIT.

(f) “Sexually violent offender” means a person who:

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

(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; OR

(3) A CRIME COMMITTED IN ANOTHER STATE OR IN A FEDERAL, MILITARY, OR NATIVE AMERICAN TRIBAL JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED IN ITEM (1) OR (2) OF THIS SUBSECTION.

(h) “Sexually violent predator” means:

(1) a [person] SEXUALLY VIOLENT OFFENDER who:

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

[(2)] (II) has been determined in accordance with this subtitle to be at risk of committing another sexually violent offense; OR

(2) A PERSON WHO HAS BEEN DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR UNDER THE LAWS OF ANOTHER STATE OR A FEDERAL, MILITARY, OR NATIVE AMERICAN TRIBAL JURISDICTION.”.

AMENDMENT NO. 3

On page 3, in lines 6, 7, 9, 10, 11, and 19, in each instance, strike the bracket; in lines 6 and 10, in each instance, strike “OR”; in line 13, after “employment” insert an opening bracket; in line 16, after “benefit” insert a closing bracket; in line 19, strike “; OR”; strike in their entirety lines 20 through 26, inclusive, and substitute:

“11-705.

(E) (1) A REGISTRANT WHO COMMENCES OR TERMINATES ENROLLMENT AS A FULL-TIME OR PART-TIME STUDENT AT AN INSTITUTION OF HIGHER EDUCATION IN THE STATE SHALL SEND WRITTEN NOTICE TO THE DEPARTMENT WITHIN 7 DAYS AFTER THE COMMENCEMENT OR TERMINATION OF ENROLLMENT.

(2) A REGISTRANT WHO COMMENCES OR TERMINATES CARRYING ON EMPLOYMENT AT AN INSTITUTION OF HIGHER EDUCATION IN THE STATE, SHALL SEND WRITTEN NOTICE TO THE DEPARTMENT WITHIN 7 DAYS AFTER THE COMMENCEMENT OR TERMINATION OF EMPLOYMENT.”;

and strike beginning with “FOR” in line 34 down through “INSTITUTION” in line 36 and substitute:

“(I) FOR A REGISTRANT ENROLLED, OR EXPECTING TO ENROLL, IN AN INSTITUTION OF HIGHER EDUCATION IN THE STATE AS A FULL-TIME OR PART-TIME STUDENT, THE NAME AND ADDRESS OF THE INSTITUTION OF HIGHER

(Over)

EDUCATION; OR

(II) FOR A REGISTRANT WHO CARRIES ON EMPLOYMENT, OR EXPECTS TO CARRY ON EMPLOYMENT, AT AN INSTITUTION OF HIGHER EDUCATION IN THE STATE, THE NAME AND ADDRESS OF THE INSTITUTION OF HIGHER EDUCATION”.

On page 5, strike beginning with “WHEN” in line 20 down through “STATE” in line 22 and substitute “UNDER § 11-705(E) OF THIS SUBTITLE”; and after line 33 insert:

“(c) (1) Within 5 days after obtaining a registration statement, the supervising authority shall send a copy of the registration statement with the attached fingerprints and photograph of the registrant to the local law enforcement unit in the county where the registrant will reside or where a registrant who is not a resident will work or attend school.

(2) (I) IF THE REGISTRANT IS ENROLLED IN OR CARRIES ON EMPLOYMENT AT, OR IS EXPECTING TO ENROLL IN OR CARRY ON EMPLOYMENT AT, AN INSTITUTION OF HIGHER EDUCATION IN THE STATE, WITHIN 5 DAYS AFTER OBTAINING A REGISTRATION STATEMENT, THE SUPERVISING AUTHORITY SHALL SEND A COPY OF THE REGISTRATION STATEMENT WITH THE ATTACHED FINGERPRINTS AND PHOTOGRAPH OF THE REGISTRANT TO THE CAMPUS POLICE AGENCY OF THE INSTITUTION OF HIGHER EDUCATION.

(II) IF AN INSTITUTION OF HIGHER EDUCATION DOES NOT HAVE A CAMPUS POLICE AGENCY, THE COPY OF THE REGISTRATION STATEMENT WITH THE ATTACHED FINGERPRINTS AND PHOTOGRAPH OF THE REGISTRANT SHALL BE PROVIDED TO THE LOCAL LAW ENFORCEMENT AGENCY HAVING PRIMARY JURISDICTION FOR THE CAMPUS.”.

AMENDMENT NO. 4

On page 4, in lines 8 and 9, strike “OR IF THE REGISTRANT IS REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS SUBTITLE,”; in lines 22 and 23, strike “AND A REGISTRANT REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS SUBTITLE”; and in lines 30 and 31, strike “OR IS A REGISTRANT REQUIRED TO REGISTER UNDER § 11-704(8)

OF THIS SUBTITLE”.

On page 6, in line 10, after “(1)” insert “(I)”; in lines 11 and 12, strike “CONCERNING A REGISTRANT’S CHANGE OF STATUS UNDER SECTION 11-705(D)” and substitute “UNDER § 11-705(E)”; in line 13, strike “INSTITUTION’S”; in the same line, strike the period and substitute “OF THE INSTITUTION OF HIGHER EDUCATION WHERE THE REGISTRANT IS COMMENCING OR TERMINATING ENROLLMENT OR EMPLOYMENT.”

(II) IF AN INSTITUTION OF HIGHER EDUCATION DOES NOT HAVE A CAMPUS POLICE AGENCY, THE NOTICE REQUIRED UNDER THIS SECTION SHALL BE PROVIDED TO THE LOCAL LAW ENFORCEMENT AGENCY HAVING PRIMARY JURISDICTION FOR THE CAMPUS.”;

in line 14, after “INSTITUTIONS” insert “OF HIGHER EDUCATION”; in line 19, strike “EDUCATIONAL INSTITUTION” and substitute “INSTITUTION OF HIGHER EDUCATION”; in line 21, strike “WHO ARE REQUIRED TO REGISTER”; and in lines 30 and 31, and lines 34 and 35, in each instance, strike “OR REGISTRANT REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS SUBTITLE”.

On page 7, in lines 2 and 3, strike “OR REGISTRANT REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS SUBTITLE”; and in line 7, strike “§ 11-705(D)” and substitute “§ 11-705(E)”.