

(PRE-FILED)

By: **Delegate Dembrow**
Requested: November 6, 2001
Introduced and read first time: January 9, 2002
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 12, 2002

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure - Sexual Offenders - Registration**

3 FOR the purpose of altering the definition of "sexually violent offense" to include
4 certain crimes committed in certain jurisdictions that, if committed in this
5 State, would constitute certain offenses; altering the definition of "sexually
6 violent predator" to include certain offenders; altering the period of time for
7 which certain offenders are required to register with a supervising authority;
8 providing for the effective date of this Act; making certain conforming changes;
9 and generally relating to sexual offender registration.

10 BY repealing and reenacting, without amendments,
11 Article - Criminal Procedure
12 Section 11-701(a), (b), and (d)
13 Annotated Code of Maryland
14 (2001 Volume)

15 BY repealing and reenacting, with amendments,
16 Article - Criminal Procedure
17 Section 11-701(f), (g), and (h), 11-703(a), and 11-707(a)
18 Annotated Code of Maryland
19 (2001 Volume)

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

1

Article - Criminal Procedure

2 11-701.

3 (a) In this subtitle the following words have the meanings indicated.

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

5 (1) has been convicted of violating the abuse of children statute under
6 Article 27, § 35C of the Code for a crime involving sexual abuse of a child under the
7 age of 18 years;8 (2) has been convicted of violating any of the provisions of the rape or
9 sexual offense statutes under Article 27, §§ 462 through 464B of the Code for a crime
10 involving a child under the age of 15 years;11 (3) has been convicted of violating the fourth degree sexual offense
12 statute under Article 27, § 464C of the Code for a crime involving a child under the
13 age of 15 years and has been ordered by the court to register under this subtitle; or14 (4) has been convicted in another state or in a federal, military, or Native
15 American tribal court of a crime that, if committed in this State, would constitute one
16 of the crimes listed in items (1) and (2) of this subsection.17 (d) "Offender" means a person who is ordered by a court to register under this
18 subtitle and who:19 (1) has been convicted of violating child abduction or kidnapping
20 statutes under Article 27, § 2 or § 338 of the Code;21 (2) has been convicted of violating the kidnapping statute under Article
22 27, § 337 of the Code or the fourth degree sexual offense statute under Article 27, §
23 464C of the Code, if the victim is under the age of 18 years;24 (3) has been convicted of the common law crime of false imprisonment, if
25 the victim is under the age of 18 years and the person is not the victim's parent;26 (4) has been convicted of a crime that involves soliciting a person under
27 the age of 18 years to engage in sexual conduct;28 (5) has been convicted of violating the child pornography statute under
29 Article 27, § 419A of the Code;30 (6) has been convicted of violating any of the prostitution and related
31 crimes statutes under Article 27, §§ 426 through 431 of the Code if the intended
32 prostitute or victim is under the age of 18 years;33 (7) has been convicted of a crime that involves conduct that by its nature
34 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; OR

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

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

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

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

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

27 11-703.

28 (a) (1) Subject to subsections (b) and (c) of this section, if a person is
29 convicted of a [subsequent] sexually violent offense, the State's Attorney before
30 sentencing may ask the court to determine whether the person is a sexually violent
31 predator.

32 (2) If the State's Attorney makes a request under paragraph (1) of this
33 subsection, the court shall determine, before or at sentencing, whether the person is a
34 sexually violent predator.

1 11-707.

2 (a) (1) A child sexual offender shall register annually in person with a local
3 law enforcement unit for the term provided under paragraph (4) of this subsection.

4 (2) An offender and a sexually violent offender shall register annually
5 with the Department in accordance with § 11-711(a) of this subtitle and for the term
6 provided under paragraph (4) of this subsection.

7 (3) A sexually violent predator shall register every 90 days in accordance
8 with § 11-711(b) of this subtitle and for the term provided under paragraph (4)(ii) of
9 this subsection.

10 (4) The term of registration is:

11 (i) 10 years; or

12 (ii) life, if:

13 1. the registrant has been determined to be a sexually violent
14 predator in accordance with the procedures described in § 11-703 of this subtitle;

15 2. the registrant has been convicted of [any violation of
16 Article 27, §§ 462 through 464B of the Code; or]A SEXUALLY VIOLENT OFFENSE;

17 3. THE REGISTRANT HAS BEEN CONVICTED OF A VIOLATION
18 OF § 3-601 OF THE CRIMINAL LAW ARTICLE FOR COMMISSION OF A SEXUAL ACT
19 INVOLVING PENETRATION OF A CHILD UNDER THE AGE OF 12 YEARS; OR

20 4. the registrant [has been previously required to register
21 and] has been convicted of a [subsequent] PRIOR crime as a child sexual offender or
22 an offender [or has been convicted of a subsequent sexually violent offense].

23 (5) A registrant who is not a resident of the State shall register for the
24 appropriate time specified in this subsection or until the registrant's employment or
25 student enrollment in the State ends.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 ~~October 1~~ September 30, 2002.