Unofficial Copy E2 2002 Regular Session 2lr0835

(PRE-FILED)

By: Senator Jacobs

Requested: November 5, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1	A TAT		•
1	AN	ACL	concerning
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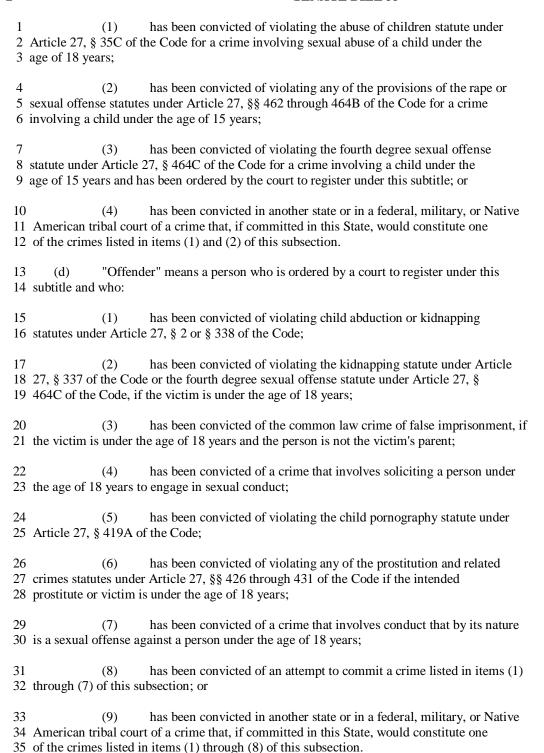
2 Criminal Procedure - Sexual Offenders - Registration

- 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
- which certain offenders are required to register with a supervising authority;
- 8 making certain conforming changes; and generally relating to sexual offender
- 9 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:
- 22 Article Criminal Procedure
- 23 11-701.
- 24 (a) In this subtitle the following words have the meanings indicated.
- 25 (b) "Child sexual offender" means a person who:

36

(f)

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"Sexually violent offender" means a person who:

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1		(1)	has been convicted of a sexually violent offense; OR
2 3	offense[; or	(2)	has been convicted of an attempt to commit a sexually violent
	American tri sexually viol		has been convicted in another state or in a federal, military, or Native of a crime that, if committed in this State, would constitute a se].
7	(g)	"Sexual	ly violent offense" means:
8 9	of the Code;	(1) [or]	a violation of Article 27, § 462, § 463, § 464, § 464A, § 464B, or § 464F
			assault with intent to commit rape in the first or second degree or a first or second degree as prohibited on or before September 30, Article 27, § 12 of the Code; OR
15		E, WOU	A CRIME COMMITTED IN ANOTHER STATE OR IN A FEDERAL, TIVE AMERICAN TRIBAL JURISDICTION THAT, IF COMMITTED IN LD CONSTITUTE ONE OF THE CRIMES LISTED IN ITEM (1) OR (2) OF I.
17	(h)	"Sexual	ly violent predator" means a person who:
18		(1)	is convicted of a [subsequent] sexually violent offense; and
19 20	committing	(2) another s	has been determined in accordance with this subtitle to be at risk of exually violent offense.
21	11-703.		
24			Subject to subsections (b) and (c) of this section, if a person is quent] sexually violent offense, the State's Attorney before he court to determine whether the person is a sexually violent
	subsection, sexually vio		If the State's Attorney makes a request under paragraph (1) of this shall determine, before or at sentencing, whether the person is a ator.
29	11-707.		
30 31	(a) law enforcer	(1) ment unit	A child sexual offender shall register annually in person with a local for the term provided under paragraph (4) of this subsection.
			An offender and a sexually violent offender shall register annually in accordance with § 11-711(a) of this subtitle and for the term graph (4) of this subsection.

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	(3) A sexually violent predator shall register every 90 days in accordance with § 11-711(b) of this subtitle and for the term provided under paragraph (4)(ii) of this subsection.
4	(4) The term of registration is:
5	(i) 10 years; or
6	(ii) life, if:
7 8	1. the registrant has been determined to be a sexually violent predator in accordance with the procedures described in § 11-703 of this subtitle;
9 10	2. the registrant has been convicted of [any violation of Article 27, §§ 462 through 464B of the Code; or] A SEXUALLY VIOLENT OFFENSE;
	3. THE REGISTRANT HAS BEEN CONVICTED OF A VIOLATION OF \S 3-601 OF THE CRIMINAL LAW ARTICLE FOR COMMISSION OF A SEXUAL ACT INVOLVING PENETRATION OF A CHILD UNDER THE AGE OF 12 YEARS; OR
	4. the registrant [has been previously required to register and] has been convicted of a [subsequent] PRIOR crime as a child sexual offender or an offender [or has been convicted of a subsequent sexually violent offense].
	(5) A registrant who is not a resident of the State shall register for the appropriate time specified in this subsection or until the registrant's employment or student enrollment in the State ends.
20 21	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.