

HOUSE BILL 12

Unofficial Copy
E2

2003 Regular Session
3lr0467

(PRE-FILED)

By: **Delegate Boschert**

Requested: November 19, 2002

Introduced and read first time: January 8, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Sexual Offender Registration - Change of Name**

3 FOR the purpose of requiring a registrant who is granted a legal change of name by a
4 court to send written notice to the Department of Public Safety and Correctional
5 Services within a certain time after the change is granted; requiring a
6 registration statement to include any other name by which a registrant has been
7 legally known; requiring a supervising authority to explain to a registrant the
8 requirement to give notice of a name change; requiring the Department to give
9 notice to certain entities of a registrant's change of name within a certain time;
10 providing a certain penalty for a registrant's failure to provide notice of a name
11 change; and generally relating to sexual offender registration and change of
12 name.

13 BY adding to

14 Article - Criminal Procedure
15 Section 11-705(f)
16 Annotated Code of Maryland
17 (2001 Volume and 2002 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article - Criminal Procedure
20 Section 11-706(a), 11-708(a), 11-710, and 11-721
21 Annotated Code of Maryland
22 (2001 Volume and 2002 Supplement)

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

1

Article - Criminal Procedure

2 11-705.

3 (F) A REGISTRANT WHO IS GRANTED A LEGAL CHANGE OF NAME BY A COURT
4 SHALL SEND WRITTEN NOTICE OF THE CHANGE TO THE DEPARTMENT WITHIN 7
5 DAYS AFTER THE CHANGE IS GRANTED.

6 11-706.

7 (a) A registration statement shall include:

8 (1) the registrant's name and address;

9 (2) (i) for a registrant under § 11-704(a)(7)(i) of this subtitle, the
10 registrant's place of employment; or11 (ii) for a registrant under § 11-704(a)(7)(ii) of this subtitle, the
12 registrant's place of educational institution or school enrollment;13 (3) (i) for a registrant enrolled, or expecting to enroll, in an institution
14 of higher education in the State as a full-time or part-time student, the name and
15 address of the institution of higher education; or16 (ii) for a registrant who carries on employment, or expects to carry
17 on employment, at an institution of higher education in the State, the name and
18 address of the institution of higher education;

19 (4) a description of the crime for which the registrant was convicted;

20 (5) the date that the registrant was convicted;

21 (6) the jurisdiction in which the registrant was convicted;

22 (7) a list of any aliases that the registrant has used;

23 (8) the registrant's Social Security number; [and]

24 (9) ANY OTHER NAME BY WHICH THE REGISTRANT HAS BEEN LEGALLY
25 KNOWN; AND

26 (10) the registrant's signature and date signed.

27 11-708.

28 (a) When a registrant registers, the supervising authority shall:

29 (1) give written notice to the registrant of the requirements of this
30 subtitle;

31 (2) explain the requirements of this subtitle to the registrant, including:

1 (i) the duties of a registrant when the registrant changes residence
2 address in this State;

3 (ii) the duties of a registrant under § 11-705(e) AND (F) of this
4 subtitle;

5 (iii) the requirement for a child sexual offender to register in person
6 with the local law enforcement unit of the county where the child sexual offender will
7 reside or where the child sexual offender who is not a resident of this State will work
8 or attend school; and

9 (iv) the requirement that if the registrant changes residence
10 address, employment, or school enrollment to another state that has a registration
11 requirement, the registrant shall register with the designated law enforcement unit
12 of that state within 7 days after the change; and

13 (3) obtain a statement signed by the registrant acknowledging that the
14 supervising authority explained the requirements of this subtitle and gave written
15 notice of the requirements to the registrant.

16 11-710.

17 (a) As soon as possible but not later than 5 working days after receipt of notice
18 of a registrant's change of address, the Department shall give notice of the change:

19 (1) if the registration is premised on a conviction under federal, military,
20 or Native American tribal law, to the designated federal unit; and

21 (2) (i) to the local law enforcement unit in whose county the new
22 residence is located; or

23 (ii) if the new residence is in a different state that has a
24 registration requirement, to the designated law enforcement unit in that state.

25 (b) (1) (i) As soon as possible but not later than 5 working days after
26 receipt of notice under § 11-705(e) of this subtitle, the Department shall give notice to
27 the campus police agency of the institution of higher education where the registrant is
28 commencing or terminating enrollment or employment.

29 (ii) If an institution of higher education does not have a campus
30 police agency, the notice required under this section shall be provided to the local law
31 enforcement agency having primary jurisdiction for the campus.

32 (2) Institutions of higher education currently required to disclose
33 campus security policy and campus crime statistics data shall advise the campus
34 community where law enforcement agency information provided by a state
35 concerning registered sex offenders may be obtained.

1 (3) An institution of higher education is not prohibited from disclosing
2 information provided to the institution under this subtitle concerning registered sex
3 offenders.

4 (C) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 WORKING DAYS AFTER
5 RECEIPT OF NOTICE UNDER § 11-705(F) OF THIS SUBTITLE, THE DEPARTMENT SHALL
6 GIVE NOTICE OF THE CHANGE OF NAME:

7 (1) IF THE REGISTRATION IS DUE TO A CONVICTION UNDER FEDERAL,
8 MILITARY, OR NATIVE AMERICAN TRIBAL LAW, TO THE DESIGNATED FEDERAL UNIT;

9 (2) TO THE LOCAL LAW ENFORCEMENT UNIT IN WHOSE COUNTY THE
10 REGISTRANT RESIDES OR WHERE A REGISTRANT WHO IS NOT A RESIDENT OF THE
11 STATE WILL WORK OR ATTEND SCHOOL; AND

12 (3) IF THE REGISTRANT IS ENROLLED IN OR EMPLOYED AT AN
13 INSTITUTION OF HIGHER EDUCATION IN THE STATE, TO:

14 (I) THE CAMPUS POLICE AGENCY OF THE INSTITUTION OF HIGHER
15 EDUCATION; OR

16 (II) IF THE INSTITUTION DOES NOT HAVE A CAMPUS POLICE
17 AGENCY, THE LOCAL LAW ENFORCEMENT AGENCY HAVING PRIMARY JURISDICTION
18 FOR THE CAMPUS.

19 11-721.

20 (a) A registrant may not knowingly fail to register, knowingly fail to provide
21 the written notice required under § 11-705(d) [or], § 11-705(e), OR § 11-705(F) of this
22 subtitle, or knowingly provide false information of a material fact as required by this
23 subtitle.

24 (b) A person who violates this section is guilty of a misdemeanor and on
25 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
26 \$5,000 or both.

27 (c) A person who violates this section is subject to § 5-106(b) of the Courts
28 Article.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2003.