

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 129

(Delegate Boutin, *et al.*)

Judiciary

Judicial Proceedings

Criminal Procedure - Child Sexual Offender - Registration

This bill alters the definition of child sexual offender under the State's sexual offender registration provisions to include a person who commits specified crimes involving a child under 16, rather than under 15. The applicable crimes are rape and first, second, third, and fourth degree sexual offense.

Fiscal Summary

State Effect: While the number of additional registrations with Crimes Against Children and Sexual Offender Registry that could occur as a result of this bill is unknown, any such increase could be handled with the existing budgeted resources of the Department of Public Safety and Correctional Services or any other State entities serving as a supervising authority for the additional registrants.

Local Effect: Any additional responsibilities resulting from additional registrants could be handled with the existing budgeted resources of local government.

Small Business Effect: None.

Analysis

Current Law: Maryland has four categories of persons convicted of sexual offenses: (1) a child sexual offender; (2) an offender; (3) a sexually violent offender; and (4) a sexually violent predator.

A “child sexual offender” is defined as a person convicted of sexual abuse of a minor; 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 with the Crimes Against Children and Sexual Offender Registry. (These provisions pertain to registration requirements only and not necessarily to the elements of the underlying sexual offenses with respect to the age of the victim.)

Sexual offenders are required to register for a term of either ten years or life depending on the offense. An offender and a sexually violent offender must register annually. A sexually violent predator must register every 90 days. Under the State’s sexual offender registration laws, a State’s Attorney may request that a sexual offender be designated a sexually violent predator.

Lifetime registration is only required for: (1) sexually violent predators; (2) persons convicted of a sexually violent offense; (3) persons convicted of child abuse for commission of a sexual act involving penetration of a child under 12 years old; and (4) recidivist sexual offenders.

A registration statement is required to include: (1) the registrant’s name and address; (2) for certain registrants from another state, the registrant’s place of employment; or for certain out-of-state registrants, the registrant’s place of educational institution or school enrollment; (3) a description of the crime for which the registrant was convicted; (4) the date that the registrant was convicted; (5) the jurisdiction in which the registrant was convicted; (6) a list of any aliases that the registrant has used; (7) the registrant’s Social Security number; and (8) the registrant’s signature and date signed. If the registrant is a sexually violent predator, the registration statement must also include: (1) identifying factors including a physical description; (2) anticipated future residence if known at the time of registration; (3) offense history; and (4) documentation of treatment received for a mental abnormality or personality disorder.

A registrant may not knowingly: (1) fail to register; (2) fail to provide a written notice relating to changes of residence, school enrollment, or employment; or (3) provide false information of material fact. Violators are subject to maximum misdemeanor penalties of incarceration for three years and/or a fine of \$5,000. The State may institute a prosecution for this misdemeanor at any time.

Maryland’s criminal code prohibits sex with minors. Depending on the age of the victim and the circumstances of the event, a person engaging in sexual acts with a minor could be subject to a charge of second degree rape; second, third, or fourth degree sexual offense; child sexual abuse; or sexual abuse of a minor. Penalties range from a fine of up

to \$1,000 and/or imprisonment for up to one year (for a misdemeanor fourth degree sexual offense) to a maximum imprisonment of 20 years (for the felony of second degree rape or child sexual abuse that results in the death of the victim).

Additional Information

Prior Introductions: None.

Cross File: SB 242 (Senator Jacobs) – Judicial Proceedings.

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

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