
By: **Senators Brochin and Stone**

Introduced and read first time: January 21, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Sexual Offender Registrant Name Change - Notice**
3 **and Objection to Petition**

4 FOR the purpose of requiring a person registered as a sexual offender to give written
5 notice to the Department of Public Safety and Correctional Services within a
6 certain period after petitioning a court for a legal change of name; authorizing
7 the Department to file an objection to the petition for a name change within a
8 certain time period; prohibiting a court from granting a registrant's petition for
9 a name change under certain conditions; and generally relating to sexual
10 offender registrants and petitions for a legal change of name.

11 BY repealing and reenacting, with amendments,
12 Article - Criminal Procedure
13 Section 11-705(f) and 11-710(c)
14 Annotated Code of Maryland
15 (2001 Volume and 2003 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - Criminal Procedure
18 Section 11-721
19 Annotated Code of Maryland
20 (2001 Volume and 2003 Supplement)

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

23 **Article - Criminal Procedure**

24 11-705.

25 (f) (1) A REGISTRANT WHO FILES A PETITION FOR A CHANGE OF NAME
26 SHALL SEND WRITTEN NOTICE TO THE DEPARTMENT OF THE PETITION WITHIN 5
27 DAYS AFTER THE FILING OF THE PETITION.

1 (2) THE DEPARTMENT MAY FILE AN OBJECTION TO THE PETITION
2 WITHIN 30 DAYS OF RECEIPT OF THE NOTICE OF FILING.

3 (3) NOTWITHSTANDING MARYLAND RULE 15-901, A COURT MAY NOT
4 GRANT A REGISTRANT'S PETITION FOR A CHANGE OF NAME IF:

5 (I) THE DEPARTMENT HAS FILED AN OBJECTION TO THE PETITION
6 IN A TIMELY MANNER; AND

7 (II) THE REGISTRANT IS UNABLE TO ESTABLISH TO THE COURT BY
8 CLEAR AND CONVINCING EVIDENCE THAT:

9 1. THERE IS GOOD CAUSE FOR THE REQUESTED NAME
10 CHANGE; AND

11 2. THE NAME CHANGE WILL NOT UNDERMINE THE
12 PURPOSES OF THIS SUBTITLE.

13 (4) A registrant who is granted a legal change of name by a court shall
14 send written notice of the change to the Department within 7 days after the change is
15 granted.

16 11-710.

17 (c) As soon as possible but not later than 5 working days after receipt of notice
18 under [§ 11-705(f)] § 11-705(F)(4) of this subtitle, the Department shall give notice of
19 the change of name:

20 (1) if the registration is due to a conviction under federal, military, or
21 Native American tribal law, to the designated federal unit;

22 (2) to the local law enforcement unit in whose county the registrant
23 resides or where a registrant who is not a resident of the State will work or attend
24 school; and

25 (3) if the registrant is enrolled in or employed at an institution of higher
26 education in the State, to:

27 (i) the campus police agency of the institution of higher education;
28 or

29 (ii) if the institution does not have a campus police agency, the local
30 law enforcement agency having primary jurisdiction for the campus.

31 11-721.

32 (a) A registrant may not knowingly fail to register, knowingly fail to provide
33 the written notice required under § 11-705(d), § 11-705(e), or § 11-705(f) of this
34 subtitle, or knowingly provide false information of a material fact as required by this
35 subtitle.

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2004.