

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1189

(Delegate Burns)

Judiciary

Sex Offenders - Registration before Release from Custody

This bill requires the registration of a sexual offender with the appropriate supervising authority, under provisions applicable to the Crimes Against Children and Sexual Offender Registry, within 48 hours of the registrant's release from the custody of the supervising authority rather than on or before the person's release date, and as an alternative to the other current provisions governing timely registration. It applies only to State residents.

Fiscal Summary

State Effect: None. This bill would cause local detention facilities to refrain from submitting registration statements to the Department of Public Safety and Correctional Services for inclusion on the registry in advance of the offender's actual release from custody. This has resulted in a person's name appearing on the registry far in advance of release and registration.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A resident registrant must register with the supervising authority on or before the date that the registrant is released, is granted probation before or after judgment or a suspended sentence, or receives a sentence that does not include an imprisonment term.

Under provisions relating to the Crimes Against Children and Sexual Offender Registry, 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.

Sexual offenders are required to register with the registry for a term of either 10 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 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.

Background: Maryland first enacted sexual offender registration legislation under the federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program during the 1995 session (Chapter 142 of 1995). Because the federal statute has been amended and because there have been updates and changes to federal regulations, State laws underwent revisions in 1997 (Chapter 754), 1998 (Chapters 473 and 521), 1999 (Chapter 317), and 2002 (Chapters 112, 194, and 266) to bring Maryland in compliance with Wetterling guidelines.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Charles County, Department of Public Safety and Correctional Services, Department of Legislative Services

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ncs/jr

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