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By: **Chairman, Judiciary Committee (By Request - Departmental - Public  
Safety and Correctional Services)**

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Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure - Child Sexual Offender and Sexually Violent Predator**  
3 **Registration - Photographs**

4 FOR the purpose of requiring annual photographs of certain registrants as part of  
5 registration; altering certain annual registration requirements for certain  
6 registrants; and generally relating to the registration of child sexual offenders  
7 and sexually violent predators.

8 BY repealing and reenacting, with amendments,  
9 Article - Criminal Procedure  
10 Section 11-707 and 11-709  
11 Annotated Code of Maryland  
12 (2001 Volume and 2004 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article - Criminal Procedure  
15 Section 11-708  
16 Annotated Code of Maryland  
17 (2001 Volume and 2004 Supplement)

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

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**Article - Criminal Procedure**

2 11-707.

3 (a) (1) (I) A child sexual offender shall register annually in person, ON OR  
4 BEFORE JANUARY 1, with a local law enforcement unit for the term provided under  
5 paragraph (4) of this subsection.

6 (II) EACH REGISTRATION SHALL INCLUDE A NEW PHOTOGRAPH.

7 (2) An offender and a sexually violent offender shall register annually,  
8 ON OR BEFORE JANUARY 1, with the Department in accordance with § 11-711(a) of  
9 this subtitle and for the term provided under paragraph (4) of this subsection.

10 (3) (I) A sexually violent predator shall register IN PERSON every 90  
11 days, ON OR BEFORE JANUARY 1, APRIL 1, JULY 1, AND OCTOBER 1, in accordance with  
12 § 11-711(b) of this subtitle and for the term provided under paragraph (4)(ii) of this  
13 subsection.

14 (II) REGISTRATION SHALL INCLUDE A PHOTOGRAPH THAT SHALL  
15 BE UPDATED AT LEAST ONCE EACH YEAR.

16 (4) The term of registration is:

17 (i) 10 years; or

18 (ii) life, if:

19 1. the registrant is a sexually violent predator;

20 2. the registrant has been convicted of a sexually violent  
21 offense;

22 3. the registrant has been convicted of a violation of § 3-602  
23 of the Criminal Law Article for commission of a sexual act involving penetration of a  
24 child under the age of 12 years; or

25 4. the registrant has been convicted of a prior crime as a  
26 child sexual offender, an offender, or a sexually violent offender.

27 (5) A registrant who is not a resident of the State shall register for the  
28 appropriate time specified in this subsection or until the registrant's employment or  
29 student enrollment in the State ends.

30 (b) A term of registration described in this section shall be computed from:

31 (1) the last date of release;

32 (2) the date granted probation; or

33 (3) the date granted a suspended sentence.

1 11-708.

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

3 (1) give written notice to the registrant of the requirements of this  
4 subtitle;

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

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

8 (ii) the duties of a registrant under § 11-705(e) and (f) of this  
9 subtitle;

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

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

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

21 (b) The supervising authority shall obtain a photograph and fingerprints of  
22 the registrant and attach the photograph and fingerprints to the registration  
23 statement.

24 (c) (1) Within 5 days after obtaining a registration statement, the  
25 supervising authority shall send a copy of the registration statement with the  
26 attached fingerprints and photograph of the registrant to the local law enforcement  
27 unit in the county where the registrant will reside or where a registrant who is not a  
28 resident will work or attend school.

29 (2) (i) If the registrant is enrolled in or carries on employment at, or is  
30 expecting to enroll in or carry on employment at, an institution of higher education in  
31 the State, within 5 days after obtaining a registration statement, the supervising  
32 authority shall send a copy of the registration statement with the attached  
33 fingerprints and photograph of the registrant to the campus police agency of the  
34 institution of higher education.

35 (ii) If an institution of higher education does not have a campus  
36 police agency, the copy of the registration statement with the attached fingerprints  
37 and photograph of the registrant shall be provided to the local law enforcement  
38 agency having primary jurisdiction for the campus.

1 (d) As soon as possible but not later than 5 working days after the registration  
2 is complete, a supervising authority that is not a unit of the Department shall send  
3 the registration statement to the Department.

4 11-709.

5 (a) Each year within 5 days after a child sexual offender completes the  
6 registration requirements of § 11-707(a) of this subtitle, a local law enforcement unit  
7 shall send notice of the child sexual offender's annual registration, INCLUDING THE  
8 PHOTOGRAPH, to the Department.

9 (b) (1) As soon as possible but not later than 5 working days after receiving  
10 a registration statement of a child sexual offender, a local law enforcement unit shall  
11 send written notice of the registration statement to the county superintendent, as  
12 defined in § 1-101 of the Education Article, in the county where the child sexual  
13 offender is to reside or where a child sexual offender who is not a resident of the State  
14 will work or attend school.

15 (2) As soon as possible but not later than 5 working days after receiving  
16 notice from the local law enforcement unit under paragraph (1) of this subsection, the  
17 county superintendent shall send written notice of the registration statement to  
18 principals of the schools under the superintendent's supervision that the  
19 superintendent considers necessary to protect the students of a school from a child  
20 sexual offender.

21 (c) A local law enforcement unit that receives a notice from a supervising  
22 authority under this section shall send a copy of the notice to the police department,  
23 if any, of a municipal corporation if the registrant:

24 (1) is to reside in the municipal corporation after release; or

25 (2) escapes from a facility but resided in the municipal corporation  
26 before being committed to the custody of a supervising authority.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
28 effect October 1, 2005.