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

Introduced and read first time: February 9, 2005

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Sex Offender Registration - Terms and Procedures**

3 FOR the purpose of altering the definition of "release"; establishing a definition of  
4 "transient" to apply to certain nonresident registrants who enter a county  
5 within a certain time frame; establishing certain registration requirements for  
6 certain "transient" registrants; requiring registration of certain information by  
7 certain registrants on work release; adding certain registration duties to  
8 supervising authorities and certain local law enforcement units for certain  
9 "transient" registrants; and generally relating to the registration of sex  
10 offenders.

11 BY repealing and reenacting, with amendments,  
12 Article - Criminal Procedure  
13 Section 11-701, 11-704, 11-705, 11-706, 11-707, 11-708, and 11-709  
14 Annotated Code of Maryland  
15 (2001 Volume and 2004 Supplement)

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

18 **Article - Criminal Procedure**

19 11-701.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) "Child sexual offender" means a person who:

22 (1) has been convicted of violating § 3-602 of the Criminal Law Article;

23 (2) has been convicted of violating any of the provisions of the rape or  
24 sexual offense statutes under §§ 3-303 through 3-307 of the Criminal Law Article for  
25 a crime involving a child under the age of 15 years;

1 (3) has been convicted of violating the fourth degree sexual offense  
2 statute under § 3-308 of the Criminal Law Article for a crime involving a child under  
3 the age of 15 years and has been ordered by the court to register under this subtitle;  
4 or

5 (4) has been convicted in another state or in a federal, military, or Native  
6 American tribal court of a crime that, if committed in this State, would constitute one  
7 of the crimes listed in items (1) and (2) of this subsection.

8 (b-1) "Employment" means an occupation, job, or vocation that is full time or  
9 part time for a period exceeding 14 days or for an aggregate period exceeding 30 days  
10 during a calendar year, whether financially compensated, volunteered, or for the  
11 purpose of government or educational benefit.

12 (c) "Local law enforcement unit" means the law enforcement unit in a county  
13 that has been designated by resolution of the county governing body as the primary  
14 law enforcement unit in the county.

15 (d) "Offender" means a person who is ordered by a court to register under this  
16 subtitle and who:

17 (1) has been convicted of violating § 3-503 of the Criminal Law Article;

18 (2) has been convicted of violating § 3-502 of the Criminal Law Article or  
19 the fourth degree sexual offense statute under § 3-308 of the Criminal Law Article, if  
20 the victim is under the age of 18 years;

21 (3) has been convicted of the common law crime of false imprisonment, if  
22 the victim is under the age of 18 years and the person is not the victim's parent;

23 (4) has been convicted of a crime that involves soliciting a person under  
24 the age of 18 years to engage in sexual conduct;

25 (5) has been convicted of violating the child pornography statute under §  
26 11-207 of the Criminal Law Article;

27 (6) has been convicted of violating any of the prostitution and related  
28 crimes statutes under Title 11, Subtitle 3 of the Criminal Law Article if the intended  
29 prostitute or victim is under the age of 18 years;

30 (7) has been convicted of a crime that involves conduct that by its nature  
31 is a sexual offense against a person under the age of 18 years;

32 (8) has been convicted of an attempt to commit a crime listed in items (1)  
33 through (7) of this subsection; or

34 (9) has been convicted in another state or in a federal, military, or Native  
35 American tribal court of a crime that, if committed in this State, would constitute one  
36 of the crimes listed in items (1) through (8) of this subsection.

1 (e) (1) Except as otherwise provided in this subsection, "release" means any  
2 type of release from the custody of a supervising authority.

3 (2) "Release" [includes] MEANS:

4 (i) release on parole[, mandatory supervision, and work release;  
5 and

6 (ii) except for leave that is granted on an emergency basis, any type  
7 of temporary leave.];

8 (II) MANDATORY SUPERVISION RELEASE;

9 (III) RELEASE FROM A CORRECTIONAL FACILITY WITH NO  
10 REQUIRED PERIOD OF SUPERVISION;

11 (IV) WORK RELEASE;

12 (V) PLACEMENT ON HOME DETENTION; AND

13 (VI) THE FIRST INSTANCE OF ENTRY INTO THE COMMUNITY THAT  
14 IS PART OF A SUPERVISING AUTHORITY'S GRADUATED RELEASE PROGRAM.

15 (3) "Release" does not include:

16 (I) an escape; OR

17 (II) LEAVE THAT IS GRANTED ON AN EMERGENCY BASIS.

18 (f) "Sexually violent offender" means a person who:

19 (1) has been convicted of a sexually violent offense; or

20 (2) has been convicted of an attempt to commit a sexually violent offense.

21 (g) "Sexually violent offense" means:

22 (1) a violation of §§ 3-303 through 3-307 or §§ 3-309 through 3-312 of  
23 the Criminal Law Article;

24 (2) assault with intent to commit rape in the first or second degree or a  
25 sexual offense in the first or second degree as prohibited on or before September 30,  
26 1996, under former Article 27, § 12 of the Code; or

27 (3) a crime committed in another state or in a federal, military, or Native  
28 American tribal jurisdiction that, if committed in this State, would constitute one of  
29 the crimes listed in item (1) or (2) of this subsection.

30 (h) "Sexually violent predator" means:

31 (1) a person who:

- 1 (i) is convicted of a sexually violent offense; and
- 2 (ii) has been determined in accordance with this subtitle to be at  
3 risk of committing another sexually violent offense; or
- 4 (2) a person who is or was required to register every 90 days for life  
5 under the laws of another state or a federal, military, or Native American tribal  
6 jurisdiction.
- 7 (i) "Supervising authority" means:
- 8 (1) the Secretary, if the registrant is in the custody of a correctional  
9 facility operated by the Department;
- 10 (2) the administrator of a local correctional facility, if the registrant,  
11 including a participant in a home detention program, is in the custody of the local  
12 correctional facility;
- 13 (3) the court that granted the probation or suspended sentence, except as  
14 provided in item (12) of this subsection, if the registrant is granted probation before  
15 judgment, probation after judgment, or a suspended sentence;
- 16 (4) the Director of the Patuxent Institution, if the registrant is in the  
17 custody of the Patuxent Institution;
- 18 (5) the Secretary of Health and Mental Hygiene, if the registrant is in  
19 the custody of a facility operated by the Department of Health and Mental Hygiene;
- 20 (6) the court in which the registrant was convicted, if the registrant's  
21 sentence does not include a term of imprisonment;
- 22 (7) the Secretary, if the registrant is in the State under terms and  
23 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title  
24 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections  
25 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;
- 26 (8) the Secretary, if the registrant moves to this State and was convicted  
27 in another state of a crime that would require the registrant to register if the crime  
28 was committed in this State;
- 29 (9) the Secretary, if the registrant moves to this State from another state  
30 where the registrant was required to register;
- 31 (10) the Secretary, if the registrant is convicted in a federal, military, or  
32 Native American tribal court and is not under supervision by another supervising  
33 authority;
- 34 (11) the Secretary, if the registrant is not a resident of this State and has  
35 been convicted in another state or by a federal, military, or Native American tribal  
36 court; or

1 (12) the Director of Parole and Probation, if the registrant is under the  
2 supervision of the Division of Parole and Probation.

3 (J) "TRANSIENT" MEANS A NONRESIDENT REGISTRANT WHO ENTERS A  
4 COUNTY OF THIS STATE FOR A PERIOD EXCEEDING 14 DAYS OR FOR AN AGGREGATE  
5 PERIOD EXCEEDING 30 DAYS DURING A CALENDAR YEAR FOR A PURPOSE OTHER  
6 THAN EMPLOYMENT OR TO ATTEND AN EDUCATIONAL INSTITUTION.

7 11-704.

8 (a) A person shall register with the person's supervising authority if the  
9 person is:

10 (1) a child sexual offender;

11 (2) an offender;

12 (3) a sexually violent offender;

13 (4) a sexually violent predator;

14 (5) a child sexual offender who, before moving into this State, was  
15 required to register in another state or by a federal, military, or Native American  
16 tribal court for a crime that occurred before October 1, 1995;

17 (6) an offender, sexually violent offender, or sexually violent predator  
18 who, before moving into this State, was required to register in another state or by a  
19 federal, military, or Native American tribal court for a crime that occurred before July  
20 1, 1997; or

21 (7) a child sexual offender, offender, sexually violent offender, or sexually  
22 violent predator who is required to register in another state, who is not a resident of  
23 this State, and who enters this State:

24 (i) to carry on employment; [or]

25 (ii) to attend a public or private educational institution, including a  
26 secondary school, trade or professional institution, or institution of higher education,  
27 as a full-time or part-time student; OR

28 (III) AS A TRANSIENT.

29 (b) Notwithstanding any other provision of law, a person is no longer subject  
30 to registration under this subtitle if:

31 (1) the underlying conviction requiring registration is reversed, vacated,  
32 or set aside; or

33 (2) the registrant is pardoned for the underlying conviction.

1 11-705.

2 (a) In this section, "resident" means a person who lives in this State when the  
3 person:

- 4 (1) is released;
- 5 (2) is granted probation;
- 6 (3) is granted a suspended sentence; or
- 7 (4) receives a sentence that does not include a term of imprisonment.

8 (b) A registrant shall register with the supervising authority:

9 (1) if the registrant is a resident, on or before the date that the  
10 registrant:

- 11 (i) is released;
- 12 (ii) is granted probation before judgment;
- 13 (iii) is granted probation after judgment;
- 14 (iv) is granted a suspended sentence; or
- 15 (v) receives a sentence that does not include a term of  
16 imprisonment;

17 (2) if the registrant moves into the State, within 7 days after the earlier  
18 of the date that the registrant:

- 19 (i) establishes a temporary or permanent residence in the State; or
- 20 (ii) applies for a driver's license in the State; or
- 21 (3) if the registrant is not a resident, within 14 days after the registrant:
  - 22 (i) begins employment in the State; [or]
  - 23 (ii) registers as a student in the State; OR
  - 24 (III) ENTERS THE STATE AS A TRANSIENT.

25 (c) (1) A child sexual offender shall also register in person with the local law  
26 enforcement unit of the county where the child sexual offender will reside:

- 27 (i) within 7 days after release, if the child sexual offender is a  
28 resident; or
- 29 (ii) within 7 days after registering with the supervising authority, if  
30 the registrant is moving into this State.

1           (2)       Within 7 days after registering with the supervising authority, a child  
2 sexual offender who is not a resident and [who works or attends school in this State]  
3 HAS ENTERED THE STATE UNDER § 11-704(A)(7) OF THIS SUBTITLE shall also register  
4 in person with the local law enforcement unit of the county where the child sexual  
5 offender IS A TRANSIENT OR will work or attend school.

6           (3)       A child sexual offender may be required to give to the local law  
7 enforcement unit more information than required under § 11-706 of this subtitle.

8       (d)       A registrant who changes residences shall send written notice of the  
9 change to the Department within 7 days after the change occurs.

10       (e)       (1)       A registrant who commences or terminates enrollment as a full-time  
11 or part-time student at an institution of higher education in the State shall send  
12 written notice to the Department within 7 days after the commencement or  
13 termination of enrollment.

14       (2)       A registrant who commences or terminates carrying on employment  
15 at an institution of higher education in the State shall send written notice to the  
16 Department within 7 days after the commencement or termination of employment.

17       (f)       A registrant who is granted a legal change of name by a court shall send  
18 written notice of the change to the Department within 7 days after the change is  
19 granted.

20 11-706.

21       (a)       A registration statement shall include:

22           (1)       the registrant's full name, including any suffix, and address;

23           (2)       (i)       for a registrant under § 11-704(a)(7)(i) of this subtitle OR WHO  
24 IS ON WORK RELEASE, the registrant's place of employment; or

25                   (ii)       for a registrant under § 11-704(a)(7)(ii) of this subtitle, the  
26 registrant's place of educational institution or school enrollment;

27           (3)       (i)       for a registrant enrolled, or expecting to enroll, in an institution  
28 of higher education in the State as a full-time or part-time student, the name and  
29 address of the institution of higher education; or

30                   (ii)       for a registrant who carries on employment, or expects to carry  
31 on employment, at an institution of higher education in the State, the name and  
32 address of the institution of higher education;

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

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

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

- 1 (7) a list of any aliases that the registrant has used;
- 2 (8) the registrant's Social Security number;
- 3 (9) any other name by which the registrant has been legally known; and
- 4 (10) the registrant's signature and date signed.

5 (b) If the registrant is a sexually violent predator, the registration statement  
6 shall also include:

- 7 (1) identifying factors, including a physical description;
- 8 (2) anticipated future residence, if known at the time of registration;
- 9 (3) offense history; and
- 10 (4) documentation of treatment received for a mental abnormality or  
11 personality disorder.

12 11-707.

13 (a) (1) A child sexual offender shall register annually in person with a local  
14 law enforcement unit for the term provided under paragraph (4) of this subsection.

15 (2) An offender and a sexually violent offender shall register annually  
16 with the Department in accordance with § 11-711(a) of this subtitle and for the term  
17 provided under paragraph (4) of this subsection.

18 (3) A sexually violent predator shall register every 90 days in accordance  
19 with § 11-711(b) of this subtitle and for the term provided under paragraph (4)(ii) of  
20 this subsection.

21 (4) The term of registration is:

22 (i) 10 years; or

23 (ii) life, if:

24 1. the registrant is a sexually violent predator;

25 2. the registrant has been convicted of a sexually violent  
26 offense;

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

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



1 (5) A registrant who is not a resident of the State shall register for the  
2 appropriate time specified in this subsection or until the registrant's employment  
3 [or], student enrollment, OR TRANSIENT STATUS in the State ends.

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

- 5 (1) the last date of release;  
6 (2) the date granted probation; or  
7 (3) the date granted a suspended sentence.

8 11-708.

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

- 10 (1) give written notice to the registrant of the requirements of this  
11 subtitle;  
12 (2) explain the requirements of this subtitle to the registrant, including:  
13 (i) the duties of a registrant when the registrant changes residence  
14 address in this State;  
15 (ii) the duties of a registrant under § 11-705(e) and (f) of this  
16 subtitle;  
17 (iii) the requirement for a child sexual offender to register in person  
18 with the local law enforcement unit of the county where the child sexual offender will  
19 reside or where the child sexual offender who is not a resident of this State IS A  
20 TRANSIENT OR will work or attend school; and  
21 (iv) the requirement that if the registrant changes residence  
22 address, employment, or school enrollment to another state that has a registration  
23 requirement, the registrant shall register with the designated law enforcement unit  
24 of that state within 7 days after the change; and

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

28 (b) The supervising authority shall obtain a photograph and fingerprints of  
29 the registrant and attach the photograph and fingerprints to the registration  
30 statement.

31 (c) (1) Within 5 days after obtaining a registration statement, the  
32 supervising authority shall send a copy of the registration statement with the  
33 attached fingerprints and photograph of the registrant to the local law enforcement  
34 unit in the county where the registrant will reside or where a registrant who is not a  
35 resident IS A TRANSIENT OR will work or attend school.

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

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

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

14 11-709.

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

18       (b)       (1)       As soon as possible but not later than 5 working days after receiving  
19 a registration statement of a child sexual offender, a local law enforcement unit shall  
20 send written notice of the registration statement to the county superintendent, as  
21 defined in § 1-101 of the Education Article, in the county where the child sexual  
22 offender is to reside or where a child sexual offender who is not a resident of the State  
23 IS A TRANSIENT OR will work or attend school.

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

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

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

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

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