

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 494
Judiciary

(Delegate O'Donnell)

Megan's Law - Registration Statements of Offenders - Notification to Surrounding Area

This bill requires a local law enforcement unit to publish in a newspaper of general circulation in the community a notice of a person's registration in the Crimes Against Children and Sexual Offender Registry. The publication must occur within five days after the law enforcement unit receives a copy of the registration statement from the person's supervising authority. The notice is not required if the unit determines that publication is not in the interest of justice.

Fiscal Summary

State Effect: None.

Local Effect: Costs for such publications would likely vary by jurisdiction. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: 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 Crimes Against Children and Sexual Offender Registry for a term of either 10 years or life depending on the offense. A child sexual offender, an offender, and a sexually violent offender must register annually. A sexually violent predator must register every 90 days.

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.

A local law enforcement unit must, within five days of after receiving the registration statement, send notice of a child sexual offender's annual registration to the Department of Public Safety and Correctional Services and the appropriate county school superintendent. The law enforcement unit must also send a copy of the notice to any municipal police department in a municipality where the registrant is to reside or did reside prior to an escape from a facility.

The county superintendent must, within five days of receipt of the notification from the law enforcement unit, send written notice of the registration statement to certain school principals under the superintendent's supervision.

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.

Local Expenditures: If these notices are considered by the local newspaper to be “public service announcements,” there should be no cost. If they are not, publication of the notices could increase expenditures for local law enforcement units and local governments.

These costs would vary by jurisdiction. Allegany County advises that these costs could total “several thousands of dollars.” Montgomery County estimates such additional costs at \$15,000 annually. Prince George’s County reports that the increased administrative costs for the County Police Department would have a minor fiscal impact on the county. Baltimore City notes that there are at least three newspapers of general circulation in the city, which all have varying advertising rates, but which can also exercise the option of waiving fees for notices required under this bill.

Additional Information

Prior Introductions: HB 1213 of 2004 passed the House, had a hearing before the Judicial Proceedings Committee, and had no further action taken on it.

Cross File: None.

Information Source(s): Allegany County, Montgomery County, Prince George’s County, Baltimore City, Department of Legislative Services

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Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510