

(PRE-FILED)

By: **Senator Stone**

Requested: August 23, 2005

Introduced and read first time: January 11, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Sex Offender Registration - Failure to Register, Failure to Provide Written**
3 **Notice, or Provision of False Information - Penalties**

4 FOR the purpose of altering the classification of the crime from a misdemeanor to a
5 felony and increasing the maximum penalties for a person convicted of
6 knowingly failing to register as an offender for certain crimes; altering the
7 classification of the crime from a misdemeanor to a felony and increasing the
8 maximum penalties for a certain registrant knowingly failing to provide a
9 certain written notice to the Department of Public Safety and Correctional
10 Services; altering the classification of the crime from a misdemeanor to a felony
11 and increasing the maximum penalties for a certain registrant knowingly
12 providing false information of a material fact on a certain registration
13 statement; and generally relating to the registration of sex offenders.

14 BY repealing and reenacting, without amendments,
15 Article - Criminal Procedure
16 Section 11-704 through 11-707
17 Annotated Code of Maryland
18 (2001 Volume and 2005 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Criminal Procedure
21 Section 11-721
22 Annotated Code of Maryland
23 (2001 Volume and 2005 Supplement)

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

1

Article - Criminal Procedure

2 11-704.

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

5 (1) a child sexual offender;

6 (2) an offender;

7 (3) a sexually violent offender;

8 (4) a sexually violent predator;

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

12 (6) an offender, sexually violent offender, or sexually violent predator
13 who, before moving into this State, was required to register in another state or by a
14 federal, military, or Native American tribal court for a crime that occurred before July
15 1, 1997; or

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

19 (i) to carry on employment;

20 (ii) to attend a public or private educational institution, including a
21 secondary school, trade or professional institution, or institution of higher education,
22 as a full-time or part-time student; or

23 (iii) as a transient.

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

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

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

29 11-705.

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

32 (1) is released;

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

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

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

- 7 (i) is released;
- 8 (ii) is granted probation before judgment;
- 9 (iii) is granted probation after judgment;
- 10 (iv) is granted a suspended sentence; or
- 11 (v) receives a sentence that does not include a term of
12 imprisonment;

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

- 15 (i) establishes a temporary or permanent residence in the State; or
- 16 (ii) applies for a driver's license in the State; or
- 17 (3) if the registrant is not a resident, within 14 days after the registrant:
- 18 (i) begins employment in the State;
- 19 (ii) registers as a student in the State; or
- 20 (iii) enters the State as a transient.

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

- 23 (i) within 7 days after release, if the child sexual offender is a
24 resident; or
- 25 (ii) within 7 days after registering with the supervising authority, if
26 the registrant is moving into this State.

27 (2) Within 7 days after registering with the supervising authority, a child
28 sexual offender who is not a resident and has entered the State under § 11-704(a)(7)
29 of this subtitle shall also register in person with the local law enforcement unit of the
30 county where the child sexual offender is a transient or will work or attend school.

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

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

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

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

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

15 11-706.

16 (a) A registration statement shall include:

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

18 (2) (i) for a registrant under § 11-704(a)(7)(i) of this subtitle or who is
19 on work release, the registrant's place of employment; or

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

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

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

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

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

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

31 (7) a list of any aliases that the registrant has used;

32 (8) the registrant's Social Security number;

33 (9) any other name by which the registrant has been legally known; and

1 (10) the registrant's signature and date signed.

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

4 (1) identifying factors, including a physical description;

5 (2) anticipated future residence, if known at the time of registration;

6 (3) offense history; and

7 (4) documentation of treatment received for a mental abnormality or
8 personality disorder.

9 11-707.

10 (a) (1) (i) A child sexual offender shall register annually in person, on or
11 before January 1, with a local law enforcement unit for the term provided under
12 paragraph (4) of this subsection.

13 (ii) Each registration shall include a new photograph.

14 (2) An offender and a sexually violent offender shall register annually, on
15 or before January 1, with the Department in accordance with § 11-711(a) of this
16 subtitle and for the term provided under paragraph (4) of this subsection.

17 (3) (i) A sexually violent predator shall register in person every 90
18 days, on or before January 1, April 1, July 1, and October 1, in accordance with §
19 11-711(b) of this subtitle and for the term provided under paragraph (4)(ii) of this
20 subsection.

21 (ii) Registration shall include a photograph that shall be updated at
22 least once each year.

23 (4) The term of registration is:

24 (i) 10 years; or

25 (ii) life, if:

26 1. the registrant is a sexually violent predator;

27 2. the registrant has been convicted of a sexually violent
28 offense;

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

32 4. the registrant has been convicted of a prior crime as a
33 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 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 11-721.

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

12 (b) A person who violates this section is guilty of a [misdemeanor] FELONY
13 and on conviction is subject to imprisonment not exceeding [3] 5 years or a fine not
14 exceeding [\$5,000] \$10,000 or both.

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2006.