

(PRE-FILED)

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By: **Senator Stone**  
 Requested: August 23, 2005  
 Introduced and read first time: January 11, 2006  
 Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Restrictions on Sex Offenders - Residential Proximity to and Entering**  
 3                                   **School and Park Property**

4 FOR the purpose of prohibiting a certain person who is required to register as a sex  
 5 offender for a life term from residing in housing that is located within a certain  
 6 distance from a public or nonpublic school, or certain parks, or from entering  
 7 certain school property; providing penalties for a violation of this Act; and  
 8 generally relating to residential and travel restrictions on certain offenders.

9 BY repealing and reenacting, without amendments,  
 10 Article - Criminal Procedure  
 11 Section 11-701 and 11-707  
 12 Annotated Code of Maryland  
 13 (2001 Volume and 2005 Supplement)

14 BY adding to  
 15 Article - Criminal Procedure  
 16 Section 11-707.1  
 17 Annotated Code of Maryland  
 18 (2001 Volume and 2005 Supplement)

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

21                                   **Article - Criminal Procedure**

22 11-701.

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

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

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

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

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

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

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

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

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

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

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

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

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

28           (5)     has been convicted of violating the child pornography statute under §  
29 11-207 of the Criminal Law Article;

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

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

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

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

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

6           (2)     "Release" means:

7               (i)     release on parole;

8               (ii)    mandatory supervision release;

9               (iii)   release from a correctional facility with no required period of  
10 supervision;

11              (iv)    work release;

12              (v)     placement on home detention; and

13              (vi)    the first instance of entry into the community that is part of a  
14 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 or if the sentence is modified to  
22 time served;
- 23 (7) the Secretary, if the registrant is in the State under terms and  
24 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title  
25 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections  
26 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;
- 27 (8) the Secretary, if the registrant moves to this State and was convicted  
28 in another state of a crime that would require the registrant to register if the crime  
29 was committed in this State;
- 30 (9) the Secretary, if the registrant moves to this State from another state  
31 where the registrant was required to register;
- 32 (10) the Secretary, if the registrant is convicted in a federal, military, or  
33 Native American tribal court and is not under supervision by another supervising  
34 authority;

1 (11) the Secretary, if the registrant is not a resident of this State and has  
2 been convicted in another state or by a federal, military, or Native American tribal  
3 court; or

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

6 (j) "Transient" means a nonresident registrant who enters a county of this  
7 State with the intent to be in the State or is in the State for a period exceeding 14  
8 days or for an aggregate period exceeding 30 days during a calendar year for a  
9 purpose other than employment or to attend an educational institution.

10 11-707.

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

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

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

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

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

24 (4) The term of registration is:

25 (i) 10 years; or

26 (ii) life, if:

27 1. the registrant is a sexually violent predator;

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

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

33 4. the registrant has been convicted of a prior crime as a  
34 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 11-707.1.

9 (A) A PERSON REQUIRED TO REGISTER AS A SEX OFFENDER FOR LIFE UNDER  
10 § 11-707 OF THIS ARTICLE MAY NOT:

11 (1) RESIDE IN HOUSING THAT IS LOCATED WITHIN 1 MILE OF A PUBLIC  
12 OR NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL OR A PARK WHERE CHILDREN  
13 REGULARLY GATHER; OR

14 (2) ENTER PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY  
15 SCHOOL PROPERTY.

16 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON  
17 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE  
18 NOT EXCEEDING \$10,000 OR BOTH.

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