
By: **Senators Jacobs, Colburn, Forehand, Greenip, Hogan, Hooper, Jimeno,
Kelley, Klausmeier, Lawlah, Mooney, Munson, Stoltzfus, Stone, and
Teitelbaum**

Introduced and read first time: January 23, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Sexual Offenders - Driver's License - Expiration and Renewal**

3 FOR the purpose of providing for the expiration date of a driver's license issued to a
4 driver who is a child sexual offender subject to certain registration
5 requirements; prohibiting the Motor Vehicle Administration from renewing the
6 driver's license of an individual who is a child sexual offender subject to certain
7 registration requirements without requiring the individual to appear in person
8 at an office of the Administration; requiring a certain supervising authority to
9 explain certain requirements regarding driver's license renewal to a child sexual
10 offender subject to certain registration requirements; requiring the Department
11 of Public Safety and Correctional Services to transmit the names of certain
12 registrants who are child sexual offenders to the Administration within a certain
13 time period; clarifying certain language; and generally relating to child sexual
14 offenders.

15 BY repealing and reenacting, without amendments,
16 Article - Criminal Procedure
17 Section 11-701(b)
18 Annotated Code of Maryland
19 (2001 Volume and 2005 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Criminal Procedure
22 Section 11-708(a) and 11-713
23 Annotated Code of Maryland
24 (2001 Volume and 2005 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Transportation
27 Section 16-115(a)
28 Annotated Code of Maryland

1 (2002 Replacement Volume and 2005 Supplement)

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

4 **Article - Criminal Procedure**

5 11-701.

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

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

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

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

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

18 11-708.

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

20 (1) give written notice to the registrant of the requirements of this
21 subtitle;

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

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

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

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

31 (iv) the requirement that if the registrant changes residence
32 address, employment, or school enrollment to another state that has a registration
33 requirement, the registrant shall register with the designated law enforcement unit
34 of that state within 7 days after the change; [and]

1 (3) EXPLAIN TO A REGISTRANT WHO IS A CHILD SEXUAL OFFENDER THE
2 REQUIREMENT THAT THE REGISTRANT'S DRIVER'S LICENSE MUST BE RENEWED
3 ANNUALLY AND IN PERSON AT AN OFFICE OF THE MOTOR VEHICLE
4 ADMINISTRATION IN ACCORDANCE WITH § 16-115 OF THE TRANSPORTATION
5 ARTICLE; AND

6 [(3)] (4) obtain a statement signed by the registrant acknowledging that
7 the supervising authority explained the requirements of this subtitle and gave
8 written notice of the requirements to the registrant.

9 11-713.

10 The Department:

11 (1) as soon as possible but not later than 5 working days after receiving
12 the conviction data and fingerprints of a registrant, shall:

13 (I) transmit the data and fingerprints to the Federal Bureau of
14 Investigation if the Bureau does not have that information; AND

15 (II) TRANSMIT TO THE MOTOR VEHICLE ADMINISTRATION THE
16 NAME OF EACH REGISTRANT WHO IS A CHILD SEXUAL OFFENDER;

17 (2) shall keep a central registry of registrants; AND

18 (3) shall reimburse supervising authorities for the cost of processing the
19 registration statements of registrants, including the cost of taking fingerprints and
20 photographs.

21 **Article - Transportation**

22 16-115.

23 (a) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
24 A license issued under this title to a driver at least 21 years old shall expire on the
25 birth date of the licensee in the fifth year following the issuance of the license.

26 (2) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
27 A license issued under this title to a driver under the age of 21 years shall expire 60
28 days after the [driver's] LICENSEE'S 21st birthday.

29 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A
30 LICENSE ISSUED UNDER THIS TITLE TO A DRIVER WHO IS A CHILD SEXUAL
31 OFFENDER, AS DEFINED IN § 11-701 OF THE CRIMINAL PROCEDURE ARTICLE,
32 REQUIRED TO REGISTER UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE
33 ARTICLE SHALL EXPIRE ANNUALLY ON THE BIRTH DATE OF THE LICENSEE.

34 (II) A LICENSE ISSUED TO A CHILD SEXUAL OFFENDER BETWEEN
35 THE OFFENDER'S 20TH BIRTHDAY AND 21ST BIRTHDAY, OR RENEWED AS A RESULT

1 OF AN EXPIRATION DATE COINCIDING WITH THE OFFENDER'S 20TH BIRTHDAY,
2 SHALL EXPIRE 60 DAYS AFTER THE LICENSEE'S 21ST BIRTHDAY.

3 [~~(3)~~] (4) A license is renewable on the presentation of an application, the
4 payment of the renewal fee required by § 16-111.1 of this subtitle, and satisfactory
5 completion of the examination required or authorized by subsection (h) of this section:

6 (i) Within 6 months before its expiration; or

7 (ii) When a driver qualifies for a corrected license issued under §
8 16-114.1(c) of this subtitle.

9 [~~(4)~~] (5) (I) Except as provided in subsection (e) of this section, the
10 Administration may not renew an individual's license for more than one consecutive
11 term without requiring the individual to appear in person at an office of the
12 Administration.

13 (II) THE ADMINISTRATION MAY NOT RENEW THE LICENSE OF AN
14 INDIVIDUAL WHO IS A CHILD SEXUAL OFFENDER, AS DEFINED IN § 11-701 OF THE
15 CRIMINAL PROCEDURE ARTICLE, REQUIRED TO REGISTER UNDER TITLE 11,
16 SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE WITHOUT REQUIRING THE
17 INDIVIDUAL TO APPEAR IN PERSON AT AN OFFICE OF THE ADMINISTRATION.

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