

HOUSE BILL 684

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71r2096

By: **Delegates McComas, Bartlett, Conaway, Dwyer, Eckardt, Frank, Haddaway, Riley, Schuler, Shank, Smigiel, Sossi, and Stocksdales**

Introduced and read first time: February 8, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Registered Offenders – Substantial Change in**
3 **Appearance**

4 FOR the purpose of requiring certain registered offenders to update a certain
5 photograph within a certain time to reflect a certain change in appearance of
6 the registrant; requiring a local law enforcement unit to send a certain
7 photograph to the Department of Public Safety and Correctional Services at a
8 certain time; making it a criminal offense for a certain registrant to fail to
9 provide a certain updated photograph; establishing a certain penalty for the
10 failure to provide a certain photograph; defining a certain term; and generally
11 relating to substantial change in appearance of registered offenders.

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Procedure
14 Section 1–101(f)
15 Annotated Code of Maryland
16 (2001 Volume and 2006 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Procedure
19 Section 11–707, 11–709(a), and 11–721
20 Annotated Code of Maryland
21 (2001 Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Procedure**

4 1–101.

5 (f) “Department” means the Department of Public Safety and Correctional
6 Services.

7 11–707.

8 (A) IN THIS SECTION, “SUBSTANTIAL CHANGE IN APPEARANCE”
9 INCLUDES:

10 (1) WEIGHT GAIN OR LOSS OF 20 POUNDS OR MORE;

11 (2) THE ADDITION OR REMOVAL OF A MUSTACHE, BEARD, OR
12 OTHER PROMINENT FACIAL HAIR;

13 (3) CHANGE IN HAIR COLOR OR STYLE;

14 (4) COSMETIC SURGERY;

15 (5) CHANGE IN WHETHER OR NOT EYEGLASSES ARE WORN; OR

16 (6) ANY OTHER PHYSICAL CHANGE THAT ALTERS THE
17 REGISTRANT’S APPEARANCE SIGNIFICANTLY AS COMPARED TO THE
18 REGISTRANT’S PHOTOGRAPH THAT IS ON FILE WITH THE LOCAL LAW
19 ENFORCEMENT UNIT.

20 [(a)] (B) (1) (i) A child sexual offender shall register in person every
21 6 months with a local law enforcement unit for the term provided under paragraph (4)
22 of this subsection.

23 (ii) Registration shall include a photograph that shall be
24 updated [at least] WITHIN 72 HOURS AFTER A SUBSTANTIAL CHANGE IN
25 APPEARANCE OF THE REGISTRANT, AND AT A MINIMUM once each year.

1 (2) (i) An offender and a sexually violent offender shall register in
2 person every 6 months with a local law enforcement unit for the term provided under
3 paragraph (4) of this subsection.

4 (ii) Registration shall include a photograph that shall be
5 updated [at least] **WITHIN 72 HOURS AFTER A SUBSTANTIAL CHANGE IN**
6 **APPEARANCE OF THE REGISTRANT, AND AT A MINIMUM** once each year.

7 (3) (i) A sexually violent predator shall register in person every 3
8 months for the term provided under paragraph (4)(ii) of this subsection.

9 (ii) Registration shall include a photograph that shall be
10 updated [at least] **WITHIN 72 HOURS AFTER A SUBSTANTIAL CHANGE IN**
11 **APPEARANCE OF THE REGISTRANT, AND AT A MINIMUM** once each year.

12 (4) The term of registration is:

13 (i) 10 years; or

14 (ii) life, if:

15 1. the registrant is a sexually violent predator;

16 2. the registrant has been convicted of a sexually violent
17 offense;

18 3. the registrant has been convicted of a violation of §
19 3-602 of the Criminal Law Article for commission of a sexual act involving penetration
20 of a child under the age of 12 years; or

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

23 (5) A registrant who is not a resident of the State shall register for the
24 appropriate time specified in this subsection or until the registrant's employment,
25 student enrollment, or transient status in the State ends.

26 **[(b)] (C)** A term of registration described in this section shall be computed
27 from:

28 (1) the last date of release;

1 (2) the date granted probation; or

2 (3) the date granted a suspended sentence.

3 11-709.

4 (a) (1) Every 3 months within 5 days after a child sexual offender or
5 sexually violent predator completes the registration requirements of § 11-707(a) of
6 this subtitle, a local law enforcement unit shall send notice of the child sexual
7 offender's or sexually violent predator's quarterly registration to the Department.

8 (2) Each **TIME THE REGISTRANT'S PHOTOGRAPH IS UPDATED,**
9 **AND AT A MINIMUM ONCE EACH** year, a local law enforcement unit shall send a child
10 sexual offender's and sexually violent predator's updated photograph to the
11 Department within 6 days after the photograph is submitted.

12 11-721.

13 (a) A registrant may not knowingly fail to register, knowingly fail to provide
14 the written notice required under § 11-705(d), (e), or (f) of this subtitle, **KNOWINGLY**
15 **FAIL TO PROVIDE AN UPDATED PHOTOGRAPH TO REFLECT A SUBSTANTIAL**
16 **CHANGE IN APPEARANCE AS REQUIRED UNDER § 11-707 OF THIS SUBTITLE,** or
17 knowingly provide false information of a material fact as required by this subtitle.

18 (b) A person who violates this section:

19 (1) for a first offense, is guilty of a misdemeanor and on conviction is
20 subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both;
21 and

22 (2) for a second or subsequent offense, is guilty of a felony and on
23 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
24 \$10,000 or both.

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2007.