

HOUSE BILL 704

E2

71r0464

By: **Delegates Olszewski and Bromwell**
Introduced and read first time: February 8, 2007
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Registered Sex Offenders – Residence Adjacent to Locations Where Children**
3 **Congregate – Prohibition in Baltimore County**

4 FOR the purpose of prohibiting a registered sex offender in Baltimore County from
5 residing within a certain distance of a school, child care facility, or location
6 where children congregate; establishing criminal penalties for a violation of this
7 Act; specifying how distance shall be measured for purposes of this Act; creating
8 a certain exception; defining certain terms; and generally relating to prohibiting
9 a registered sex offender in Baltimore County from residing adjacent to
10 locations where children congregate.

11 BY adding to
12 Article – Criminal Procedure
13 Section 11–722.1
14 Annotated Code of Maryland
15 (2001 Volume and 2006 Supplement)

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

18 **Article – Criminal Procedure**

19 **11–722.1.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
21 MEANINGS INDICATED.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “CHILD CARE FACILITY” MEANS A FAMILY DAY CARE HOME,
2 CHILD CARE HOME, CHILD CARE INSTITUTION, OR CHILD CARE CENTER
3 REGISTERED OR LICENSED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW
4 ARTICLE.

5 (3) “LOCATION WHERE CHILDREN CONGREGATE” MEANS A
6 PLAYGROUND, ATHLETIC FIELD, PARK, YOUTH CENTER, SWIMMING POOL,
7 VIDEO ARCADE, SKATING RINK, OR ANY OTHER PUBLIC OR PRIVATE FACILITY
8 WITH A PRINCIPAL PURPOSE OF PROVIDING RECREATION OR SERVICES TO
9 CHILDREN.

10 (4) “RESIDE” MEANS TO DWELL PERMANENTLY OR
11 CONTINUOUSLY OR TO OCCUPY A DWELLING OR HOME AS A PERMANENT OR
12 TEMPORARY PLACE OF ABODE.

13 (5) “SCHOOL” MEANS A PUBLIC OR NONPUBLIC ELEMENTARY OR
14 SECONDARY SCHOOL.

15 (B) RESIDENCE BY A REGISTRANT ON PROPERTY THAT THE
16 REGISTRANT OWNED OR OCCUPIED PRIOR TO THE DATE ON WHICH A SCHOOL,
17 CHILD CARE FACILITY, OR LOCATION WHERE CHILDREN CONGREGATE WAS
18 ESTABLISHED WITHIN THE PROHIBITED DISTANCE OF SUBSECTION (C) OF THIS
19 SECTION MAY NOT FORM THE BASIS FOR FINDING A REGISTRANT IN VIOLATION
20 OF THIS SECTION.

21 (C) (1) IN BALTIMORE COUNTY A REGISTRANT MAY NOT KNOWINGLY
22 RESIDE 2,000 FEET OR LESS FROM A SCHOOL, CHILD CARE FACILITY, OR
23 LOCATION WHERE CHILDREN CONGREGATE.

24 (2) FOR PURPOSES OF THIS SUBSECTION, DISTANCE SHALL BE
25 MEASURED FROM THE BOUNDARY OF THE PROPERTY ON WHICH THE
26 REGISTRANT RESIDES TO THE BOUNDARY OF THE PROPERTY OF THE SCHOOL,
27 CHILD CARE FACILITY, OR LOCATION WHERE CHILDREN CONGREGATE AT
28 THOSE BOUNDARIES’ CLOSEST POINTS.

29 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
30 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 1
31 YEAR AND NOT TO EXCEED 5 YEARS.

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