

# HOUSE BILL 705

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

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## A BILL ENTITLED

1 AN ACT concerning

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

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

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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)   A REGISTRANT MAY NOT KNOWINGLY RESIDE 2,000 FEET OR  
22 LESS FROM A SCHOOL, CHILD CARE FACILITY, OR LOCATION WHERE CHILDREN  
23 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.