

SENATE BILL 168

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71r1276
CF 71r1191

By: **Senators Stone, Brochin, Colburn, Haines, Jacobs, and Mooney**
Introduced and read first time: January 26, 2007
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Registered Offenders – Residential Restrictions**

3 FOR the purpose of prohibiting a person who is required to register on a certain
4 offender registry for a term of life from residing, after a certain date, within a
5 certain distance of a public or nonpublic elementary or secondary school or a
6 park where children regularly gather; establishing a certain penalty; providing
7 for the retroactive application of this Act; and generally relating to restrictions
8 on registered offenders.

9 BY repealing and reenacting, without amendments,
10 Article – Criminal Procedure
11 Section 11–707
12 Annotated Code of Maryland
13 (2001 Volume and 2006 Supplement)

14 BY adding to
15 Article – Criminal Procedure
16 Section 11–727
17 Annotated Code of Maryland
18 (2001 Volume and 2006 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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-707.

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

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

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

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

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

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

16 (4) The term of registration is:

17 (i) 10 years; or

18 (ii) life, if:

19 1. the registrant is a sexually violent predator;

20 2. the registrant has been convicted of a sexually violent
21 offense;

22 3. the registrant has been convicted of a violation of
23 § 3-602 of the Criminal Law Article for commission of a sexual act involving
24 penetration of a child under the age of 12 years; or

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

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

- 1 (b) A term of registration described in this section shall be computed from:
- 2 (1) the last date of release;
- 3 (2) the date granted probation; or
- 4 (3) the date granted a suspended sentence.

5 **11-727.**

6 (A) **AFTER SEPTEMBER 30, 2008, A PERSON REQUIRED TO REGISTER**
7 **FOR A TERM OF LIFE UNDER § 11-707 OF THIS SUBTITLE MAY NOT RESIDE**
8 **WITHIN 1 MILE OF:**

9 (1) **A PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY**
10 **SCHOOL; OR**

11 (2) **A PARK WHERE CHILDREN REGULARLY GATHER.**

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
16 construed to apply retroactively to any person who was required to register under §
17 11-704 of the Criminal Procedure Article on or before October 1, 2007.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2007.