

HOUSE BILL 496

E1, E2

8lr0630

By: **Delegates Kach, Bromwell, Impallaria, and Olszewski**

Introduced and read first time: January 30, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sexual Offenders – Supervision, Notifications, and**
3 **Penalties**

4 FOR the purpose of requiring the inclusion of certain additional information in a
5 registration statement for the offender registry; requiring a supervising
6 authority to verify the address of certain registrants; expanding the types of
7 child care entities that may be notified by a local law enforcement unit of the
8 filing of a registration statement under certain circumstances; prohibiting a
9 person from knowingly assisting a person, who is subject to certain registration
10 requirements and fails to comply with those requirements, in eluding a law
11 enforcement agency or certain supervising authority by withholding information
12 regarding the whereabouts of the person under certain circumstances or by
13 providing false information; establishing a certain penalty; and generally
14 relating to sexual offenders.

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Procedure
17 Section 11–706, 11–708(a), and 11–709(f)
18 Annotated Code of Maryland
19 (2001 Volume and 2007 Supplement)

20 BY adding to
21 Article – Criminal Procedure
22 Section 11–721.1
23 Annotated Code of Maryland
24 (2001 Volume and 2007 Supplement)

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

27 **Article – Criminal Procedure**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-706.

2 (a) A registration statement shall include:

3 (1) the registrant's full name, including any suffix, and address;

4 (2) (i) for a registrant under § 11-704(a)(7)(i) of this subtitle or
5 who is on work release, the registrant's place of employment; or

6 (ii) for a registrant under § 11-704(a)(7)(ii) of this subtitle, the
7 registrant's place of educational institution or school enrollment **AND ENROLLMENT**
8 **STATUS;**

9 (3) (i) for a registrant enrolled, or expecting to enroll, in an
10 institution of higher education in the State as a full-time or part-time student, the
11 name and address of the institution of higher education; or

12 (ii) for a registrant who carries on employment, or expects to
13 carry on employment, at an institution of higher education in the State, the name and
14 address of the institution of higher education;

15 (4) a description of the crime for which the registrant was convicted;

16 (5) the date that the registrant was convicted;

17 (6) the jurisdiction in which the registrant was convicted;

18 (7) a list of any aliases that the registrant has used;

19 (8) the registrant's Social Security number;

20 (9) any other name by which the registrant has been legally known;

21 [and]

22 **(10) A COPY OF THE REGISTRANT'S VALID DRIVER'S LICENSE OR**
23 **IDENTIFICATION CARD;**

24 **(11) THE LICENSE PLATE NUMBER AND DESCRIPTION OF ANY**
25 **VEHICLE OWNED OR OPERATED BY THE REGISTRANT; AND**

26 **[(10)] (12)** the registrant's signature and date signed.

27 (b) If the registrant is a sexually violent predator, the registration statement
28 shall also include:

29 (1) identifying factors, including a physical description;

(2) anticipated future residence, if known at the time of registration;

(3) offense history; and

(4) documentation of treatment received for a mental abnormality or personality disorder.

(C) IF THE REGISTRANT'S PLACE OF RESIDENCE IS A MOTOR VEHICLE, TRAILER, MOBILE HOME, OR MANUFACTURED HOME, AS DEFINED IN § 12-301 OF THE PUBLIC SAFETY ARTICLE, THE REGISTRATION STATEMENT SHALL ALSO INCLUDE:

(1) THE VEHICLE IDENTIFICATION NUMBER;

(2) THE VEHICLE REGISTRATION NUMBER; AND

(3) A DESCRIPTION OF THE VEHICLE, INCLUDING COLOR SCHEME.

11-708.

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

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

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

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

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

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

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

(3) obtain a statement signed by the registrant acknowledging that the supervising authority explained the requirements of this subtitle and gave written notice of the requirements to the registrant; **AND**

(4) VERIFY THE REGISTRANT'S ADDRESS.

11-709.

(f) A local law enforcement unit may notify the following entities that are located within the community in which a child sexual offender is to reside or where a child sexual offender who is not a resident of the State will work or attend school of the filing of a registration statement or notice of change of address by the child sexual offender:

(1) [family] day care homes or child care centers registered or licensed under Title 5, Subtitle 5 of the Family Law Article;

(2) child recreation facilities;

(3) faith institutions; and

(4) other organizations that serve children and other individuals vulnerable to child sexual offenders.

11-721.1.

(A) A PERSON MAY NOT KNOWINGLY ASSIST A REGISTRANT IN ELUDING A LAW ENFORCEMENT AGENCY OR A SUPERVISING AUTHORITY THAT IS ATTEMPTING TO QUESTION THE REGISTRANT REGARDING, OR ARREST THE REGISTRANT FOR, FAILING TO COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE BY:

(1) WITHHOLDING INFORMATION ABOUT THE WHEREABOUTS OF THE REGISTRANT WHEN QUESTIONED BY A REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY OR A SUPERVISING AUTHORITY; OR

(2) PROVIDING FALSE INFORMATION TO A LAW ENFORCEMENT AGENCY OR A SUPERVISING AUTHORITY REGARDING THE WHEREABOUTS OF THE REGISTRANT.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

