

HOUSE BILL 761

E2, E4

8lr1460

By: **Delegates Shank, Kelly, Kramer, McComas, and Valderrama**

Introduced and read first time: February 4, 2008

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 26, 2008

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Offender Registry – Retroactivity**

3 FOR the purpose of providing that certain provisions requiring the registration on a
4 certain offender registry of certain persons convicted of committing certain
5 offenses are to be applied retroactively to include a person convicted on or after
6 a certain date of an offense committed before a certain date; and generally
7 relating to the offender registry.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 11–702.1
11 Annotated Code of Maryland
12 (2001 Volume and 2007 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Procedure
15 Section 11–704
16 Annotated Code of Maryland
17 (2001 Volume and 2007 Supplement)

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

20 **Article – Criminal Procedure**

21 11–702.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) Notwithstanding any other provision of law to the contrary, except as
2 provided in subsection (b) of this section, this subtitle shall be applied retroactively to
3 include a registrant convicted of an offense committed before July 1, 1997, and who is
4 under the custody or supervision of a supervising authority on October 1, 2001.

5 (b) Notwithstanding any other provision of law to the contrary, this subtitle
6 shall be applied retroactively to a child sexual offender who committed the sexual
7 offense on or before October 1, 1995, and who is under the custody or supervision of a
8 supervising authority on October 1, 2001.

9 (c) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE**
10 **CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO INCLUDE A**
11 **PERSON CONVICTED ON OR AFTER OCTOBER 1, 1995, OF AN OFFENSE**
12 **COMMITTED BEFORE OCTOBER 1, 1995 FOR WHICH REGISTRATION IS**
13 **REQUIRED UNDER THIS SUBTITLE.**

14 11-704.

15 (a) A person shall register with the person's supervising authority if the
16 person is:

17 (1) a child sexual offender;

18 (2) an offender;

19 (3) a sexually violent offender;

20 (4) a sexually violent predator;

21 (5) a child sexual offender who, before moving into this State, was
22 required to register in another state or by a federal, military, or Native American
23 tribal court for a crime that occurred before October 1, 1995;

24 (6) an offender, sexually violent offender, or sexually violent predator
25 who, before moving into this State, was required to register in another state or by a
26 federal, military, or Native American tribal court for a crime that occurred before July
27 1, 1997; or

28 (7) a child sexual offender, offender, sexually violent offender, or
29 sexually violent predator who is required to register in another state, who is not a
30 resident of this State, and who enters this State:

31 (i) to carry on employment;

1 (ii) to attend a public or private educational institution,
2 including a secondary school, trade or professional institution, or institution of higher
3 education, as a full-time or part-time student; or

4 (iii) as a transient.

5 (b) Notwithstanding any other provision of law, a person is no longer subject
6 to registration under this subtitle if:

7 (1) the underlying conviction requiring registration is reversed,
8 vacated, or set aside; or

9 (2) the registrant is pardoned for the underlying conviction.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.