

HOUSE BILL 1439

E2

8lr0663

By: **Delegates Bromwell and Olszewski**
Introduced and read first time: February 12, 2008
Assigned to: Rules and Executive Nominations

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 2007 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.

22 (2) "CHILD CARE FACILITY" MEANS A FAMILY DAY CARE HOME,
23 CHILD CARE HOME, CHILD CARE INSTITUTION, OR CHILD CARE CENTER

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 REGISTERED OR LICENSED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW
2 ARTICLE.

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

8 (4) "RESIDE" MEANS TO DWELL PERMANENTLY OR
9 CONTINUOUSLY OR TO OCCUPY A DWELLING OR HOME AS A PERMANENT OR
10 TEMPORARY PLACE OF ABODE.

11 (5) "SCHOOL" MEANS A PUBLIC OR NONPUBLIC ELEMENTARY OR
12 SECONDARY SCHOOL.

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

19 (C) (1) A REGISTRANT MAY NOT KNOWINGLY RESIDE 2,000 FEET OR
20 LESS FROM A SCHOOL, CHILD CARE FACILITY, OR LOCATION WHERE CHILDREN
21 CONGREGATE.

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

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

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