

HOUSE BILL 1538

E2, E4

8lr0206

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: February 22, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sex Offenders – Notification and Registration**

3 FOR the purpose of altering certain requirements relating to the registration of
4 individuals who have committed certain offenses on a certain registry;
5 requiring certain persons to register on a certain registry if they have been
6 convicted of certain crimes in certain countries; providing that certain
7 requirements for a person to register on a certain registry are to be applied
8 retroactively under certain circumstances; providing for the calculation of a
9 certain term of registration; requiring certain persons under a certain age to
10 register on a certain registry under certain circumstances; establishing that
11 certain individuals who are under the protection of certain witness protection
12 programs are exempt from certain registration requirements; altering certain
13 time periods relating to certain registration, notice, and reporting requirements;
14 requiring certain sex offenders to register in person with a certain local law
15 enforcement unit within certain time periods; providing that a certain sex
16 offender may be required to provide certain additional information to a certain
17 local law enforcement unit; establishing that a person is a resident for purposes
18 of a certain offender registry if the person has a home or other place that the
19 person habitually lives located in the State at the time of a certain event;
20 establishing that a certain registrant shall register with a certain supervising
21 authority within a certain period of time after the registrant begins to
22 habitually live in the State; requiring a certain homeless registrant to register
23 in person with a local law enforcement unit within certain time periods;
24 requiring a certain homeless registrant to register with a local law enforcement
25 unit at certain intervals; requiring a certain homeless registrant to provide
26 certain information each time the registrant registers with a local law
27 enforcement unit; requiring a local law enforcement unit to obtain a digital
28 image, fingerprints, and palm prints of a certain homeless registrant; providing
29 that a certain homeless registrant may be required to provide certain
30 information to a local law enforcement unit; establishing that certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 registration requirements for a homeless registrant are in addition to certain
2 other requirements; requiring a registrant who was homeless and obtains a
3 fixed address to register with a local law enforcement unit within a certain time
4 period; requiring a certain homeless registrant who changes the county in which
5 the registrant habitually lives to send a certain notice to a certain State registry
6 within a certain time period; requiring certain notifications by certain
7 registrants to be made by reporting in person; requiring certain registrants to
8 notify a certain local law enforcement unit when the registrant leaves the
9 United States under certain circumstances or temporarily moves; requiring a
10 certain notification to be made in a certain manner; adding to the requirements
11 of a certain registration statement; requiring a certain registrant to provide a
12 digital image instead of a photograph under certain circumstances; requiring a
13 certain registrant to provide a palm print; repealing an exemption from a
14 certain requirement to provide DNA for a certain person convicted of a
15 misdemeanor; altering the terms of registration for certain offenders on a
16 certain registry; authorizing certain terms of registration to be reduced under
17 certain circumstances; requiring a certain notification relating to the
18 registration of a certain offender to be sent to certain school superintendents,
19 schools, school principals, police departments, and certain entities relating to
20 children; requiring local law enforcement units to provide certain notifications
21 to the Department of Public Safety and Correctional Services; expanding certain
22 notification requirements relating to the residence of a certain registrant to
23 include the county where the registrant habitually lives or intends to habitually
24 live; expanding the authority of a local law enforcement unit to notify entities of
25 the location of a certain sex offender to include notifying child care centers
26 issued a certain letter of compliance; providing that the Department is
27 responsible for receiving and distributing certain communications; defining
28 certain terms; altering certain terms; repealing certain terms; and generally
29 relating to sex offender registration.

30 BY repealing and reenacting, with amendments,
31 Article – Criminal Procedure
32 Section 11–701, 11–702.1, 11–704 through 11–710, 11–713, 11–714, 11–717, and
33 11–718(a)
34 Annotated Code of Maryland
35 (2001 Volume and 2007 Supplement)

36 BY repealing and reenacting, without amendments,
37 Article – Criminal Procedure
38 Section 11–702 and 11–703
39 Annotated Code of Maryland
40 (2001 Volume and 2007 Supplement)

41 BY adding to
42 Article – Criminal Procedure
43 Section 11–704.1 and 11–704.2
44 Annotated Code of Maryland
45 (2001 Volume and 2007 Supplement)

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

3 **Article – Criminal Procedure**

4 11–701.

5 (a) In this subtitle the following words have the meanings indicated.

6 (a–1) “Board” means the Sexual Offender Advisory Board.

7 [(b) “Child sexual offender” means a person who:

8 (1) has been convicted of violating § 3–602 of the Criminal Law
9 Article;

10 (2) has been convicted of violating any of the provisions of the rape or
11 sexual offense statutes under §§ 3–303 through 3–307 of the Criminal Law Article for
12 a crime involving a child under the age of 15 years;

13 (3) has been convicted of violating the fourth degree sexual offense
14 statute under § 3–308 of the Criminal Law Article for a crime involving a child under
15 the age of 15 years and has been ordered by the court to register under this subtitle; or

16 (4) has been convicted in another state or in a federal, military, or
17 Native American tribal court of a crime that, if committed in this State, would
18 constitute one of the crimes listed in items (1) and (2) of this subsection.

19 (b–1)] (B) “Commission” means the Maryland Parole Commission.

20 [(b–2)] (B–1) “Employment” means an occupation, job, or vocation that is
21 full time or part time for a period exceeding 14 days or for an aggregate period
22 exceeding 30 days during a calendar year, whether financially compensated,
23 volunteered, or for the purpose of government or educational benefit.

24 [(b–3)] (B–2) “Extended parole supervision offender” means a person who:

25 (1) is a sexually violent predator;

26 (2) has been convicted of a violation of § 3–303, § 3–304, § 3–305, §
27 3–306(a)(1) or (2), or § 3–307(a)(1) or (2) of the Criminal Law Article;

28 (3) has been convicted of a violation of § 3–309, § 3–310, or § 3–311 of
29 the Criminal Law Article or an attempt to commit a violation of § 3–306(a)(1) or (2) of
30 the Criminal Law Article;

1 (4) has been convicted of a violation of § 3–602 of the Criminal Law
2 Article for commission of a sexual act involving penetration of a child under the age of
3 12 years; or

4 (5) has been convicted more than once of a crime as a [child sexual
5 offender, an offender, or a sexually violent offender] **TIER I, TIER II, OR TIER III**
6 **OFFENDER.**

7 **(B–3) “HABITUALLY LIVES” MEANS ANY PLACE WHERE A PERSON LIVES**
8 **WITH ANY REGULARITY, INCLUDING WHERE A HOMELESS PERSON IS STATIONED**
9 **DURING THE DAY OR SLEEPS AT NIGHT.**

10 **(B–4) “HOMELESS” MEANS HAVING NO FIXED RESIDENCE.**

11 (c) “Local law enforcement unit” means the law enforcement unit in a county
12 that has been designated by resolution of the county governing body as the primary
13 law enforcement unit in the county.

14 [(d) “Offender” means a person who is ordered by a court to register under
15 this subtitle and who:

16 (1) has been convicted of violating § 3–503 of the Criminal Law
17 Article;

18 (2) has been convicted of violating § 3–502 of the Criminal Law Article
19 or the fourth degree sexual offense statute under § 3–308 of the Criminal Law Article,
20 if the victim is under the age of 18 years;

21 (3) has been convicted of the common law crime of false imprisonment,
22 if the victim is under the age of 18 years and the person is not the victim’s parent;

23 (4) has been convicted of a crime that involves soliciting a person
24 under the age of 18 years to engage in sexual conduct;

25 (5) has been convicted of violating the child pornography statute
26 under § 11–207 of the Criminal Law Article;

27 (6) has been convicted of violating any of the prostitution and related
28 crimes statutes under Title 11, Subtitle 3 of the Criminal Law Article if the intended
29 prostitute or victim is under the age of 18 years;

30 (7) has been convicted of a crime that involves conduct that by its
31 nature is a sexual offense against a person under the age of 18 years;

32 (8) has been convicted of an attempt to commit a crime listed in items
33 (1) through (7) of this subsection; or

1 (9) has been convicted in another state or in a federal, military, or
2 Native American tribal court of a crime that, if committed in this State, would
3 constitute one of the crimes listed in items (1) through (8) of this subsection.]

4 [(e)] **(D)** (1) Except as otherwise provided in this subsection, “release”
5 means any type of release from the custody of a supervising authority.

6 (2) “Release” means:

7 (i) release on parole;

8 (ii) mandatory supervision release;

9 (iii) release from a correctional facility with no required period of
10 supervision;

11 (iv) work release;

12 (v) placement on home detention; and

13 (vi) the first instance of entry into the community that is part of
14 a supervising authority’s graduated release program.

15 (3) “Release” does not include:

16 (i) an escape; or

17 (ii) leave that is granted on an emergency basis.

18 [(f) “Sexually violent offender” means a person who:

19 (1) has been convicted of a sexually violent offense; or

20 (2) has been convicted of an attempt to commit a sexually violent
21 offense.]

22 [(g)] **(E)** “Sexually violent offense” means:

23 (1) a violation of §§ 3–303 through 3–307 or §§ 3–309 through 3–312 of
24 the Criminal Law Article;

25 (2) assault with intent to commit rape in the first or second degree or
26 a sexual offense in the first or second degree as prohibited on or before September 30,
27 1996, under former Article 27, § 12 of the Code; or

1 (3) a crime committed in another state or in a federal, military, or
2 Native American tribal jurisdiction that, if committed in this State, would constitute
3 one of the crimes listed in item (1) or (2) of this subsection.

4 [(h)] (F) “Sexually violent predator” means[:

5 (1)] a person who:

6 [(i)] (1) is convicted of a sexually violent offense; and

7 [(ii)] (2) has been determined in accordance with this subtitle
8 to be at risk of committing another sexually violent offense[; or

9 (2) a person who is or was required to register every 90 days for life
10 under the laws of another state or a federal, military, or Native American tribal
11 jurisdiction].

12 (G) **“SEX OFFENDER” MEANS A PERSON WHO HAS BEEN CONVICTED OF**
13 **A SEXUAL OFFENSE OR A CRIME THAT IS SEXUAL IN NATURE AND WOULD**
14 **REQUIRE THE PERSON TO BE CLASSIFIED AS A TIER I SEX OFFENDER, TIER II**
15 **SEX OFFENDER, OR TIER III SEX OFFENDER IF THE CONVICTION WAS:**

16 (1) **IN THIS STATE;**

17 (2) **IN ANOTHER STATE;**

18 (3) **BY A FEDERAL, MILITARY, OR NATIVE AMERICAN TRIBAL**
19 **COURT; OR**

20 (4) **IN A COURT OF CANADA, GREAT BRITAIN, AUSTRALIA, NEW**
21 **ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHERE THE UNITED STATES**
22 **DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY REPORTS ON**
23 **HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY GENERALLY OR**
24 **VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING THE YEAR IN**
25 **WHICH THE CONVICTION OCCURRED.**

26 [(i)] (H) **“Supervising authority” means THE AGENCY OR PERSON**
27 **RESPONSIBLE FOR COLLECTING THE INFORMATION FOR THE INITIAL**
28 **REGISTRATION OF A SEX OFFENDER AND IS:**

29 (1) the Secretary, if the registrant is in the custody of a correctional
30 facility operated by the Department;

1 (2) the administrator of a local correctional facility, if the registrant,
2 including a participant in a home detention program, is in the custody of the local
3 correctional facility;

4 (3) the court that granted the probation or suspended sentence, except
5 as provided in item (12) of this subsection, if the registrant is granted probation before
6 judgment, probation after judgment, or a suspended sentence;

7 (4) the Director of the Patuxent Institution, if the registrant is in the
8 custody of the Patuxent Institution;

9 (5) the Secretary of Health and Mental Hygiene, if the registrant is in
10 the custody of a facility operated by the Department of Health and Mental Hygiene;

11 (6) the court in which the registrant was convicted, if the registrant's
12 sentence does not include a term of imprisonment or if the sentence is modified to time
13 served;

14 (7) the Secretary, if the registrant is in the State under terms and
15 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
16 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
17 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

18 (8) the [Secretary] **LOCAL LAW ENFORCEMENT UNIT IN THE**
19 **JURISDICTION WHERE THE REGISTRANT IS A RESIDENT OR HABITUALLY LIVES,**
20 if the registrant moves to this State and was convicted in another state of a crime that
21 would require the registrant to register if the crime was committed in this State;

22 (9) the [Secretary] **LOCAL LAW ENFORCEMENT UNIT IN THE**
23 **JURISDICTION WHERE THE REGISTRANT IS A RESIDENT OR HABITUALLY LIVES,**
24 if the registrant moves to this State from another state where the registrant was
25 required to register;

26 (10) the [Secretary] **LOCAL LAW ENFORCEMENT UNIT IN THE**
27 **JURISDICTION WHERE THE REGISTRANT IS A RESIDENT OR HABITUALLY LIVES,**
28 if the registrant is convicted in a federal, military, or Native American tribal court and
29 is not under supervision by another supervising authority;

30 (11) the [Secretary] **LOCAL LAW ENFORCEMENT UNIT IN THE**
31 **JURISDICTION WHERE THE REGISTRANT IS A RESIDENT OR HABITUALLY LIVES,**
32 if the registrant is not a resident of this State and has been convicted in another state
33 or by a federal, military, or Native American tribal court; or

34 (12) the Director of Parole and Probation, if the registrant is under the
35 supervision of the Division of Parole and Probation.

36 (I) **“TIER I SEX OFFENDER” MEANS A PERSON WHO:**

1 (1) HAS BEEN CONVICTED OF VIOLATING § 3-308 OF THE
2 CRIMINAL LAW ARTICLE, IF THE VICTIM IS AN ADULT;

3 (2) HAS BEEN CONVICTED OF VIOLATING § 11-107 OF THE
4 CRIMINAL LAW ARTICLE, IF THE VICTIM IS A MINOR;

5 (3) HAS BEEN CONVICTED OF A CRIME COMMITTED IN ANOTHER
6 STATE OR IN A FEDERAL, MILITARY, OR NATIVE AMERICAN TRIBAL
7 JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE
8 OF THE CRIMES LISTED IN ITEM (1) OR (2) OF THIS SUBSECTION; OR

9 (4) HAS BEEN CONVICTED OF A CRIME IN A COURT OF CANADA,
10 GREAT BRITAIN, AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN
11 COUNTRY WHERE THE UNITED STATES DEPARTMENT OF STATE HAS
12 DETERMINED IN ITS COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES THAT
13 AN INDEPENDENT JUDICIARY GENERALLY OR VIGOROUSLY ENFORCED THE
14 RIGHT TO A FAIR TRIAL DURING THE YEAR IN WHICH THE CONVICTION
15 OCCURRED THAT, IF THE CRIME WERE COMMITTED IN THIS STATE, WOULD
16 CONSTITUTE ONE OF THE CRIMES LISTED IN ITEM (1) OR (2) OF THIS
17 SUBSECTION.

18 (J) "TIER II SEX OFFENDER" MEANS A PERSON WHO:

19 (1) HAS BEEN CONVICTED OF VIOLATING § 3-324, § 11-207, OR §
20 11-208 OF THE CRIMINAL LAW ARTICLE;

21 (2) HAS BEEN CONVICTED OF VIOLATING § 3-308(B)(1) OR (C),
22 § 3-314, § 3-321, § 3-322, § 3-323, OR § 3-602 OF THE CRIMINAL LAW ARTICLE,
23 IF THE VICTIM IS A MINOR WHO IS AT LEAST 14 YEARS OLD;

24 (3) HAS BEEN CONVICTED OF VIOLATING § 11-303, § 11-304, §
25 11-305, OR § 11-306 OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS A
26 MINOR;

27 (4) HAS BEEN CONVICTED OF A CRIME COMMITTED IN ANOTHER
28 STATE OR IN A FEDERAL, MILITARY, OR NATIVE AMERICAN TRIBAL
29 JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE
30 OF THE CRIMES LISTED IN ITEMS (1) THROUGH (3) OF THIS SUBSECTION; OR

31 (5) HAS BEEN CONVICTED OF A CRIME IN A COURT OF CANADA,
32 GREAT BRITAIN, AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN
33 COUNTRY WHERE THE UNITED STATES DEPARTMENT OF STATE HAS
34 DETERMINED IN ITS COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES THAT

1 AN INDEPENDENT JUDICIARY GENERALLY OR VIGOROUSLY ENFORCED THE
2 RIGHT TO A FAIR TRIAL DURING THE YEAR IN WHICH THE CONVICTION
3 OCCURRED THAT, IF THE CRIME WERE COMMITTED IN THIS STATE, WOULD
4 CONSTITUTE ONE OF THE CRIMES LISTED IN ITEMS (1) THROUGH (3) OF THIS
5 SUBSECTION.

6 (K) "TIER III SEX OFFENDER" MEANS A PERSON WHO:

7 (1) HAS BEEN CONVICTED OF VIOLATING § 3-303, § 3-304, §
8 3-305, § 3-306, § 3-307, § 3-308(B)(2) OR (3), § 3-309, § 3-310, § 3-311, §
9 3-312, § 3-315, OR § 3-502 OF THE CRIMINAL LAW ARTICLE;

10 (2) HAS BEEN CONVICTED OF VIOLATING § 3-308(B)(1) OR (C), §
11 3-314, § 3-321, § 3-322, § 3-323, OR § 3-602 OF THE CRIMINAL LAW ARTICLE,
12 IF THE VICTIM IS UNDER THE AGE OF 14 YEARS;

13 (3) HAS BEEN CONVICTED OF VIOLATING THE COMMON-LAW
14 OFFENSE OF FALSE IMPRISONMENT, IF THE VICTIM IS A MINOR;

15 (4) HAS BEEN CONVICTED OF A CRIME COMMITTED IN ANOTHER
16 STATE OR IN A FEDERAL, MILITARY, OR NATIVE AMERICAN TRIBAL
17 JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE
18 OF THE CRIMES LISTED IN ITEMS (1) THROUGH (3) OF THIS SUBSECTION; OR

19 (5) HAS BEEN CONVICTED OF A CRIME IN A COURT OF CANADA,
20 GREAT BRITAIN, AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN
21 COUNTRY WHERE THE UNITED STATES DEPARTMENT OF STATE HAS
22 DETERMINED IN ITS COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES THAT
23 AN INDEPENDENT JUDICIARY GENERALLY OR VIGOROUSLY ENFORCED THE
24 RIGHT TO A FAIR TRIAL DURING THE YEAR IN WHICH THE CONVICTION
25 OCCURRED THAT, IF THE CRIME WERE COMMITTED IN THIS STATE, WOULD
26 CONSTITUTE ONE OF THE CRIMES LISTED IN ITEMS (1) THROUGH (3) OF THIS
27 SUBSECTION.

28 [(j)] (L) "Transient" means a nonresident registrant who enters a county of
29 this State with the intent to be in the State or is in the State for a period exceeding 14
30 days or for an aggregate period exceeding 30 days during a calendar year for a purpose
31 other than employment or to attend an educational institution.

32 11-702.

33 For the purposes of this subtitle, a person is convicted when the person:

34 (1) is found guilty of a crime by a jury or judicial officer;

1 (2) enters a plea of guilty or nolo contendere;

2 (3) is granted a probation before judgment after a finding of guilt for a
3 crime if the court, as a condition of probation, orders compliance with the
4 requirements of this subtitle; or

5 (4) is found not criminally responsible for a crime.

6 11-702.1.

7 (a) Notwithstanding any other provision of law to the contrary, [except as
8 provided in subsection (b) of this section,] this subtitle shall be applied retroactively to
9 include a [registrant convicted of an offense committed before July 1, 1997, and who is
10 under the custody or supervision of a supervising authority on October 1, 2001] **TIER I
11 SEX OFFENDER RELEASED AFTER OCTOBER 1, 1993, FOR A CRIME REQUIRING
12 REGISTRATION UNDER THIS SUBTITLE.**

13 (b) Notwithstanding any other provision of law to the contrary, this subtitle
14 shall be applied retroactively to a [child sexual offender who committed the sexual
15 offense on or before October 1, 1995, and who is under the custody or supervision of a
16 supervising authority on October 1, 2001] **TIER II SEX OFFENDER RELEASED AFTER
17 OCTOBER 1, 1983.**

18 (c) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
19 CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO APPLY TO
20 ALL TIER III SEX OFFENDERS.**

21 (d) **THE TERM OF REGISTRATION FOR A SEX OFFENDER REGISTERED
22 UNDER SUBSECTION (A) OR (B) OF THIS SECTION SHALL BE CALCULATED FROM
23 THE DATE OF RELEASE.**

24 11-703.

25 (a) (1) Subject to subsections (b) and (c) of this section, if a person is
26 convicted of a sexually violent offense, the State's Attorney before sentencing may ask
27 the court to determine whether the person is a sexually violent predator.

28 (2) If the State's Attorney makes a request under paragraph (1) of this
29 subsection, the court shall determine, before or at sentencing, whether the person is a
30 sexually violent predator.

31 (b) In making a determination under subsection (a) of this section, the court
32 shall consider:

1 (1) evidence that the court considers appropriate to the determination
2 of whether the person is a sexually violent predator, including the presentencing
3 investigation and sexually violent offender's inmate record;

4 (2) evidence introduced by the person convicted; and

5 (3) at the request of the State's Attorney, evidence that a victim of the
6 sexually violent offense presents.

7 (c) The State's Attorney may not ask a court to determine whether a person
8 is a sexually violent predator under this section unless the State's Attorney serves
9 written notice of intent to make the request on the defendant or the defendant's
10 counsel at least 30 days before trial.

11 11-704.

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

14 (1) [a child sexual offender] **A TIER I SEX OFFENDER;**

15 (2) [an offender] **A TIER II SEX OFFENDER;**

16 (3) [a sexually violent offender] **A TIER III SEX OFFENDER; OR**

17 (4) [a sexually violent predator;

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

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

25 (7) a child sexual offender, offender, sexually violent offender, or
26 sexually violent predator] **A SEX OFFENDER** who is required to register in another
27 state, who is not a resident of this State, and who enters this State:

28 (i) to carry on employment;

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

32 (iii) as a transient.

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

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

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

6 **11-704.1.**

7 **A PERSON WHO IS UNDER THE AGE OF 18 YEARS AT THE TIME THE**
8 **PERSON COMMITS AN OFFENSE THAT REQUIRES REGISTRATION AS A TIER I, II,**
9 **OR III SEX OFFENDER MUST REGISTER IF:**

10 (1) **JURISDICTION OVER THE PERSON HAS BEEN WAIVED TO AN**
11 **ADULT COURT AND THE PERSON HAS BEEN CONVICTED AS REQUIRED BY THIS**
12 **SUBTITLE;**

13 (2) **THE PERSON IS AT LEAST 14 YEARS OLD AND HAS BEEN**
14 **ADJUDICATED DELINQUENT FOR A VIOLATION OF § 3-303, § 3-304, § 3-305, OR**
15 **§ 3-306 OF THE CRIMINAL LAW ARTICLE; OR**

16 (3) **THE PERSON IS AT LEAST 14 YEARS OLD AND HAS BEEN**
17 **ADJUDICATED DELINQUENT FOR A VIOLATION OF § 3-307(1) OR § 3-307(2) OF**
18 **THE CRIMINAL LAW ARTICLE, IF THE VICTIM WAS A CHILD UNDER THE AGE OF**
19 **12 YEARS.**

20 **11-704.2.**

21 (A) **ON WRITTEN REQUEST BY A FEDERAL AGENCY OPERATING A**
22 **FEDERAL WITNESS SECURITY PROGRAM ESTABLISHED UNDER 18 U.S.C. 3521,**
23 **THE REGISTRATION REQUIREMENT FOR A SEX OFFENDER UNDER THE**
24 **PROTECTION OF A FEDERAL WITNESS SECURITY PROGRAM IS WAIVED AND THE**
25 **PERSON UNDER PROTECTION IS EXEMPT FROM REGISTRATION.**

26 (B) **ON WRITTEN REQUEST BY A NONFEDERAL AGENCY THAT OPERATES**
27 **A WITNESS PROTECTION PROGRAM COMPARABLE TO A FEDERAL PROGRAM**
28 **ESTABLISHED UNDER 18 U.S.C. 3521, THE REGISTRATION REQUIREMENT FOR A**
29 **SEX OFFENDER UNDER THE PROTECTION OF A WITNESS PROTECTION PROGRAM**
30 **IS WAIVED AND THE PERSON UNDER PROTECTION IS EXEMPT FROM**
31 **REGISTRATION.**

32 (C) **A WAIVER GRANTED UNDER THIS SECTION IS TERMINATED AND**
33 **REGISTRATION IS REQUIRED IF A SEX OFFENDER EXEMPTED FROM**

1 **REGISTRATION UNDER THIS SECTION IS SUBSEQUENTLY CONVICTED OF AN**
2 **OFFENSE THAT REQUIRES REGISTRATION UNDER THIS SUBTITLE.**

3 11-705.

4 (a) In this section, "resident" means a person who [lives] **HAS A HOME OR**
5 **OTHER PLACE THAT THE PERSON HABITUALLY LIVES LOCATED** in this State
6 when the person:

7 (1) is released;

8 (2) is granted probation;

9 (3) is granted a suspended sentence; or

10 (4) receives a sentence that does not include a term of imprisonment.

11 (b) A registrant shall register with the supervising authority:

12 (1) if the registrant is a resident, on or before the date that the
13 registrant:

14 (i) is released;

15 (ii) is granted probation before judgment;

16 (iii) is granted probation after judgment;

17 (iv) is granted a suspended sentence; or

18 (v) receives a sentence that does not include a term of
19 imprisonment;

20 (2) if the registrant moves into the State, within [7] **3** days after the
21 earlier of the date that the registrant:

22 (i) establishes a temporary or permanent residence in the
23 State; [or]

24 **(II) BEGINS TO HABITUALLY LIVE IN THE STATE; OR**

25 [(ii)] **(III)** applies for a driver's license in the State; or

26 (3) if the registrant is not a resident, within [14] **3** days after the
27 registrant:

28 (i) begins employment in the State;

1 (ii) registers as a student in the State; or

2 (iii) enters the State as a transient.

3 (c) (1) A [child sexual] **SEX** offender shall also register in person with the
4 local law enforcement unit of the county where the [child sexual] **SEX** offender will
5 reside:

6 (i) within [7] **3** days after release, if the [child sexual] **SEX**
7 offender is a resident; or

8 (ii) within [7] **3** days after registering with the supervising
9 authority, if the registrant is moving into this State **AND THE LOCAL LAW**
10 **ENFORCEMENT UNIT IS NOT THE SUPERVISING AUTHORITY.**

11 (2) Within [7] **3** days after registering with the supervising authority,
12 a [child sexual] **SEX** offender who is not a resident and has entered the State under [§
13 11-704(a)(7)] § **11-704(A)(4)** of this subtitle shall also register in person with the
14 local law enforcement unit of the county where the [child sexual] **SEX** offender is a
15 transient or will work or attend school.

16 (3) A [child sexual] **SEX** offender may be required to give to the local
17 law enforcement unit more information than required under § 11-706 of this subtitle.

18 **(D) (1) A HOMELESS REGISTRANT SHALL ALSO REGISTER IN PERSON**
19 **WITH THE LOCAL LAW ENFORCEMENT UNIT IN THE COUNTY WHERE THE**
20 **REGISTRANT HABITUALLY LIVES:**

21 **(I) WITHIN 3 DAYS AFTER THE EARLIER OF THE DATE OF**
22 **RELEASE OR AFTER REGISTERING WITH THE SUPERVISING AUTHORITY; AND**

23 **(II) WITHIN 24 HOURS AFTER ENTERING AND REMAINING IN**
24 **A COUNTY.**

25 **(2) AFTER INITIALLY REGISTERING WITH THE LOCAL LAW**
26 **ENFORCEMENT UNIT UNDER THIS SUBSECTION, A HOMELESS REGISTRANT**
27 **SHALL REGISTER ONCE A WEEK IN PERSON DURING THE TIME THE HOMELESS**
28 **REGISTRANT HABITUALLY LIVES IN THE COUNTY.**

29 **(3) (I) EACH TIME A HOMELESS REGISTRANT REGISTERS WITH**
30 **THE LOCAL LAW ENFORCEMENT UNIT, THE REGISTRANT SHALL PROVIDE THE**
31 **FOLLOWING INFORMATION:**

32 **1. THE REGISTRANT'S FULL NAME;**

- 1 **2. DATE AND PLACE OF BIRTH OF THE REGISTRANT;**
- 2 **3. THE REGISTRANT'S PLACE OF EMPLOYMENT;**
- 3 **4. A DESCRIPTION OF THE CRIME FOR WHICH THE**
4 **REGISTRANT WAS CONVICTED;**
- 5 **5. THE DATE THAT THE REGISTRANT WAS**
6 **CONVICTED;**
- 7 **6. THE JURISDICTION IN WHICH THE REGISTRANT**
8 **WAS CONVICTED;**
- 9 **7. A LIST OF ANY ALIASES THAT THE REGISTRANT**
10 **HAS USED; AND**
- 11 **8. THE REGISTRANT'S SOCIAL SECURITY NUMBER.**

12 **(II) THE FIRST TIME A HOMELESS REGISTRANT REGISTERS**
13 **IN A COUNTY, THE LOCAL LAW ENFORCEMENT UNIT SHALL ALSO OBTAIN A**
14 **DIGITAL IMAGE, FINGERPRINTS, AND PALM PRINTS OF THE REGISTRANT.**

15 **(4) A HOMELESS REGISTRANT MAY BE REQUIRED TO GIVE THE**
16 **LOCAL LAW ENFORCEMENT UNIT MORE INFORMATION THAN REQUIRED UNDER**
17 **PARAGRAPH (3) OF THIS SUBSECTION AND § 11-706 OF THIS SUBTITLE.**

18 **(5) THE REGISTRATION REQUIREMENTS UNDER THIS**
19 **SUBSECTION ARE IN ADDITION TO ANY OTHER REQUIREMENTS THE HOMELESS**
20 **REGISTRANT IS SUBJECT TO ACCORDING TO THE REGISTRANT'S**
21 **CLASSIFICATION AS A TIER I SEX OFFENDER, TIER II SEX OFFENDER, TIER III**
22 **SEX OFFENDER, OR SEXUALLY VIOLENT PREDATOR.**

23 **(6) IF A REGISTRANT WHO WAS HOMELESS OBTAINS A FIXED**
24 **ADDRESS, THE REGISTRANT SHALL REGISTER WITH THE APPROPRIATE**
25 **SUPERVISING AUTHORITY AND LOCAL LAW ENFORCEMENT UNIT WITHIN 5 DAYS**
26 **AFTER OBTAINING A FIXED ADDRESS.**

27 **[(d)] (E) A registrant who changes residences, OR CHANGES THE COUNTY**
28 **IN WHICH THE REGISTRANT HABITUALLY LIVES, shall [send written notice of]**
29 **NOTIFY THE LOCAL LAW ENFORCEMENT UNIT WHERE THE REGISTRANT MOST**
30 **RECENTLY REGISTERED AND REPORT the change to the [State Registry] LOCAL**
31 **LAW ENFORCEMENT UNIT WHERE THE REGISTRANT WILL RESIDE within [5] 3**
32 **days after the change occurs.**

1 [(e)] (F) (1) A registrant who commences or terminates enrollment as a
2 full-time or part-time student at an institution of higher education in the State shall
3 [send written notice to the State Registry] **REPORT IN PERSON TO THE LOCAL LAW**
4 **ENFORCEMENT UNIT WHERE THE INSTITUTION OF HIGHER EDUCATION IS**
5 **LOCATED** within [5] **3** days after the commencement or termination of enrollment.

6 (2) A registrant who commences or terminates carrying on
7 employment at an institution of higher education in the State shall [send written
8 notice to the State Registry] **REPORT IN PERSON TO GIVE NOTICE TO THE LOCAL**
9 **LAW ENFORCEMENT UNIT WHERE THE INSTITUTION OF HIGHER EDUCATION IS**
10 **LOCATED** within [5] **3** days after the commencement or termination of employment.

11 [(f)] (G) A registrant who is granted a legal change of name by a court shall
12 send written notice of the change to the [State Registry] **LOCAL LAW ENFORCEMENT**
13 **UNIT WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES** within [5] **3** days
14 after the change is granted.

15 (H) **A REGISTRANT SHALL NOTIFY THE LOCAL LAW ENFORCEMENT UNIT**
16 **WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES AT LEAST 3 DAYS**
17 **PRIOR TO LEAVING THE UNITED STATES TO COMMENCE RESIDENCE OR**
18 **EMPLOYMENT OR ATTEND SCHOOL IN A FOREIGN COUNTRY.**

19 (I) (1) **A REGISTRANT SHALL NOTIFY THE LOCAL LAW**
20 **ENFORCEMENT UNIT WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES**
21 **WHEN THE REGISTRANT OBTAINS A TEMPORARY RESIDENCE OR ALTERS THE**
22 **LOCATION WHERE THE REGISTRANT HABITUALLY LIVES FOR MORE THAN 7**
23 **DAYS OR WHEN THE REGISTRANT WILL BE ABSENT FROM THE REGISTRANT'S**
24 **RESIDENCE OR LOCATION WHERE THE REGISTRANT HABITUALLY LIVES FOR**
25 **MORE THAN 7 DAYS.**

26 (2) **NOTIFICATION UNDER THIS SUBSECTION SHALL:**

27 (I) **BE MADE IN WRITING OR IN PERSON PRIOR TO**
28 **OBTAINING A TEMPORARY RESIDENCE, COMMENCING THE PERIOD OF ABSENCE,**
29 **OR TEMPORARILY ALTERING THE LOCATION WHERE THE REGISTRANT**
30 **HABITUALLY LIVES;**

31 (II) **INCLUDE THE TEMPORARY ADDRESS OR DETAILED**
32 **DESCRIPTION OF THE TEMPORARY LOCATION WHERE THE REGISTRANT WILL**
33 **HABITUALLY LIVE; AND**

34 (III) **CONTAIN THE ANTICIPATED DATES THAT THE**
35 **TEMPORARY RESIDENCE OR LOCATION WILL BE USED BY THE REGISTRANT AND**

1 **THE ANTICIPATED DATES THAT THE REGISTRANT WILL BE ABSENT FROM THE**
2 **REGISTRANT'S PERMANENT RESIDENCE OR LOCATION WHERE THE REGISTRANT**
3 **NORMALLY HABITUALLY LIVES.**

4 11-706.

5 (a) A registration statement shall include:

6 (1) the registrant's full name, including any suffix, and address **OR**
7 **PLACE WHERE THE REGISTRANT HABITUALLY LIVES;**

8 (2) (i) for a registrant under [§ 11-704(a)(7)(i)] **§ 11-704(A)(4)(I)**
9 of this subtitle or who is on work release, the registrant's place of employment; or

10 (ii) for a registrant under [§ 11-704(a)(7)(ii)] **§ 11-704(A)(4)(I)**
11 of this subtitle, the registrant's place of educational institution or school enrollment;

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

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

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

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

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

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

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

23 **(9) ANY IDENTIFYING FACTORS, INCLUDING A PHYSICAL**
24 **DESCRIPTION;**

25 **(10) COPIES OF THE REGISTRANT'S PASSPORT OR IMMIGRATION**
26 **PAPERS;**

27 **(11) INFORMATION REGARDING ANY PROFESSIONAL LICENSES**
28 **THE REGISTRANT HOLDS;**

1 **(12) THE LICENSE PLATE NUMBER OR REGISTRATION NUMBER**
 2 **AND DESCRIPTION OF ANY VEHICLES, INCLUDING ALL MOTOR VEHICLES,**
 3 **BOATS, AND AIRCRAFT OWNED OR OPERATED BY THE REGISTRANT;**

4 **(13) THE NAME AND ADDRESS OF THE REGISTRANT'S EMPLOYER**
 5 **AND A DESCRIPTION OF THE LOCATION WHERE THE REGISTRANT PERFORMS**
 6 **EMPLOYMENT DUTIES IF THAT LOCATION DIFFERS FROM THE ADDRESS OF THE**
 7 **EMPLOYER;**

8 ~~[(9)]~~**(14)** any other name by which the registrant has been legally
 9 known; and

10 ~~[(10)]~~**(15)** the registrant's signature and date signed.

11 (b) If the registrant is **DETERMINED TO BE** a sexually violent predator, the
 12 registration statement shall also include:

13 (1) [identifying factors, including a physical description;

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

15 ~~[(3)]~~ **(2)** offense history; and

16 ~~[(4)]~~ **(3)** documentation of treatment received for a mental
 17 abnormality or personality disorder.

18 11-707.

19 (a) (1) (i) A [child sexual] **TIER I SEX OFFENDER AND A TIER II SEX**
 20 **offender shall register in person every 6 months with a local law enforcement unit for**
 21 **the term provided under paragraph (4) of this subsection.**

22 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
 23 **that shall be updated at least once each year.**

24 (2) (i) [An offender and a sexually violent] **A TIER III SEX**
 25 **offender shall register in person every [6] 3 months with a local law enforcement unit**
 26 **for the term provided under paragraph (4) of this subsection.**

27 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
 28 **that shall be updated at least once each year.**

29 (3) (i) A sexually violent predator shall register in person every 3
 30 months **WITH A LOCAL LAW ENFORCEMENT UNIT** for the term provided under
 31 paragraph (4)(ii) of this subsection.

1 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
 2 that shall be updated at least once each year.

3 (4) **[The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE**
 4 term of registration is:

5 (i) [10 years; or] **15 YEARS, IF THE REGISTRANT IS A TIER I**
 6 **SEX OFFENDER;**

7 **(II) 25 YEARS, IF THE REGISTRANT IS A TIER II SEX**
 8 **OFFENDER; OR**

9 **[(ii)] (III) life, if[**:

10 1. the registrant is a sexually violent predator;

11 2. the registrant has been convicted of a sexually violent
 12 offense;

13 3. the registrant has been convicted of a violation of §
 14 3-602 of the Criminal Law Article for commission of a sexual act involving penetration
 15 of a child under the age of 12 years; or

16 4. the registrant has been convicted of a prior crime as a
 17 child sexual offender, an offender, or a sexually violent offender] **THE REGISTRANT IS**
 18 **A TIER III SEX OFFENDER.**

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

22 (b) A term of registration described in this section shall be computed from:

23 (1) the last date of release;

24 (2) the date granted probation; or

25 (3) the date granted a suspended sentence.

26 **(c) (1) THE TERM OF REGISTRATION FOR A TIER I SEX OFFENDER**
 27 **SHALL BE REDUCED TO 10 YEARS IF, IN THE 10 YEARS FOLLOWING THE DATE ON**
 28 **WHICH THE REGISTRANT WAS REQUIRED TO REGISTER, THE REGISTRANT:**

29 **(I) WAS NOT CONVICTED OF ANY OFFENSE FOR WHICH A**
 30 **TERM OF IMPRISONMENT OF MORE THAN 1 YEAR MAY BE IMPOSED;**

1 (II) WAS NOT CONVICTED OF ANY SEX OFFENSE;

2 (III) SUCCESSFULLY COMPLETED, WITHOUT REVOCATION,
3 ANY PERIOD OF SUPERVISED RELEASE, PAROLE, OR PROBATION; AND

4 (IV) SUCCESSFULLY COMPLETED AN APPROPRIATE SEX
5 OFFENDER TREATMENT PROGRAM CERTIFIED BY THE STATE.

6 (2) THE TERM OF REGISTRATION FOR A TIER III SEX OFFENDER
7 WHO WAS REQUIRED TO REGISTER ON THE BASIS OF A JUVENILE ADJUDICATION
8 SHALL BE REDUCED TO 25 YEARS IF, IN THE 25 YEARS FOLLOWING THE DATE ON
9 WHICH THE REGISTRANT WAS REQUIRED TO REGISTER, THE REGISTRANT:

10 (I) WAS NOT CONVICTED OF ANY OFFENSE FOR WHICH A
11 TERM OF IMPRISONMENT OF MORE THAN 1 YEAR MAY BE IMPOSED;

12 (II) WAS NOT CONVICTED OF ANY SEX OFFENSE;

13 (III) SUCCESSFULLY COMPLETED, WITHOUT REVOCATION,
14 ANY PERIOD OF SUPERVISED RELEASE, PAROLE, OR PROBATION; AND

15 (IV) SUCCESSFULLY COMPLETED AN APPROPRIATE SEX
16 OFFENDER TREATMENT PROGRAM CERTIFIED BY THE STATE.

17 11-708.

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

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

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

23 (i) the duties of a registrant when the registrant changes
24 residence address in this State **OR CHANGES THE COUNTY IN WHICH THE**
25 **REGISTRANT HABITUALLY LIVES;**

26 (ii) the duties of a registrant under [§ 11-705(e) and (f)] §
27 **11-705** of this subtitle;

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

1 (iv) the requirement that if the registrant changes residence
2 address, employment, or school enrollment to another state that has a registration
3 requirement, the registrant shall register with the designated law enforcement unit
4 **OR SEX OFFENDER REGISTRATION UNIT** of that state within [7] **3** days after the
5 change; and

6 (3) obtain a statement signed by the registrant acknowledging that
7 the supervising authority explained the requirements of this subtitle and gave written
8 notice of the requirements to the registrant.

9 (b) (1) The supervising authority shall obtain a [photograph and
10 fingerprints] **DIGITAL IMAGE, FINGERPRINTS, AND PALM PRINTS** of the registrant
11 and [attach] **FORWARD** the [photograph and fingerprints] **DIGITAL IMAGE,**
12 **FINGERPRINTS, AND PALM PRINTS** to the [registration statement] **DEPARTMENT.**

13 (2) For a registrant who has not submitted a DNA sample, as defined
14 in § 2-501 of the Public Safety Article, for inclusion in the statewide DNA database
15 system of the Department of State Police Crime Laboratory, the supervising authority
16 shall:

17 (i) obtain a DNA sample from the registrant at the registrant's
18 initial registration; and

19 (ii) provide the sample to the statewide DNA database system of
20 the Department of State Police Crime Laboratory.

21 [(3) This subsection does not apply if the registrant is required to
22 register under § 11-704 of this subtitle solely as a result of a misdemeanor conviction.]

23 (c) (1) Within [5] **3** days after obtaining a registration statement, the
24 supervising authority shall send a copy of the registration statement with the attached
25 fingerprints [and photograph], **PALM PRINTS, AND DIGITAL IMAGE** of the registrant
26 to the local law enforcement unit in the county where the registrant will reside **OR**
27 **HABITUALLY LIVE** or where a registrant who is not a resident is a transient or will
28 work or attend school.

29 (2) (i) If the registrant is enrolled in or carries on employment at,
30 or is expecting to enroll in or carry on employment at, an institution of higher
31 education in the State, within [5] **3** days after obtaining a registration statement, the
32 supervising authority shall send a copy of the registration statement with the attached
33 fingerprints [and photograph], **PALM PRINTS, AND DIGITAL IMAGE** of the registrant
34 to the campus police agency of the institution of higher education.

35 (ii) If an institution of higher education does not have a campus
36 police agency, the copy of the registration statement with the attached fingerprints
37 [and photograph], **PALM PRINTS, AND DIGITAL IMAGE** of the registrant shall be

1 provided to the local law enforcement agency having primary jurisdiction for the
2 campus.

3 (d) As soon as possible but not later than 5 working days after the
4 registration is complete, a supervising authority that is not a unit of the Department
5 shall send the registration statement to the Department.

6 11-709.

7 (a) (1) (i) [Every 3 months within 5] **WITHIN 3** days after a **TIER III**
8 **SEX OFFENDER OR A** sexually violent predator completes the registration
9 requirements of § 11-707(a) of this subtitle, a local law enforcement unit shall send
10 notice of the **TIER III SEX OFFENDER'S OR** sexually violent predator's quarterly
11 registration to the Department.

12 (ii) Every 6 months within [5] **3** days after a [child sexual
13 offender] **TIER I SEX OFFENDER OR A TIER II SEX OFFENDER** completes the
14 registration requirements of § 11-707(a) of this subtitle, a local law enforcement unit
15 shall send notice of the [child sexual offender's] **TIER I SEX OFFENDER'S OR TIER II**
16 **SEX OFFENDER'S** biannual registration to the Department.

17 (2) Each year, a local law enforcement unit shall send a child sexual
18 offender's and sexually violent predator's updated [photograph] **DIGITAL IMAGE** to
19 the Department within 6 days after the [photograph] **DIGITAL IMAGE** is submitted.

20 (b) (1) As soon as possible but not later than [5] **3** working days after
21 receiving a registration statement of a [child sexual offender or] **SEX OFFENDER,**
22 notice of a change of address of a [child sexual] **SEX** offender, **OR CHANGE IN THE**
23 **COUNTY IN WHICH A HOMELESS SEX OFFENDER HABITUALLY LIVES,** a local law
24 enforcement unit shall send written notice of the registration statement [or], change of
25 address, **OR CHANGE OF COUNTY** to the county superintendent, as defined in § 1-101
26 of the Education Article, and all nonpublic primary and secondary schools in the
27 county within 1 mile of where the [child sexual] **SEX** offender is to reside **OR**
28 **HABITUALLY LIVE** or where a [child sexual] **SEX** offender who is not a resident of the
29 State is a transient or will work or attend school.

30 (2) As soon as possible but not later than 10 working days after
31 receiving notice from the local law enforcement unit under paragraph (1) of this
32 subsection, the county superintendent shall send written notice of the registration
33 statement to principals of the schools under the superintendent's supervision that the
34 superintendent considers necessary to protect the students of a school from a [child
35 sexual] **SEX** offender.

36 (c) A local law enforcement unit that receives a notice from a supervising
37 authority under this subtitle shall send a copy of the notice to the police department, if
38 any, of a municipal corporation if the registrant:

1 (1) is to reside **OR HABITUALLY LIVE** in the municipal corporation
2 after release;

3 (2) escapes from a facility but resided **OR HABITUALLY LIVED** in the
4 municipal corporation before being committed to the custody of a supervising
5 authority; or

6 (3) is to change addresses to another place of residence within the
7 municipal corporation.

8 (d) As soon as possible but not later than [5] **3** working days after receiving
9 notice from a local law enforcement unit under this section, a police department of a
10 municipal corporation shall send a copy of the notice to the commander of the local
11 police precinct or district in which the [child sexual] **SEX** offender is to reside **OR**
12 **HABITUALLY LIVE** or where a [child sexual] **SEX** offender who is not a resident of the
13 State will work or attend school.

14 (e) As soon as possible but not later than [5] **3** working days after receiving a
15 notice from a supervising authority under this subtitle, a local law enforcement unit
16 shall send a copy of the notice to the commander of the law enforcement unit in the
17 district or area in which the [child sexual] **SEX** offender is to reside **OR HABITUALLY**
18 **LIVE** or where a [child sexual] **SEX** offender who is not a resident of the State will
19 work or attend school.

20 (f) A local law enforcement unit may notify the following entities that are
21 located within the community in which a [child sexual] **SEX** offender is to reside **OR**
22 **HABITUALLY LIVE** or where a [child sexual] **SEX** offender who is not a resident of the
23 State will work or attend school of the filing of a registration statement or notice of
24 change of address **OR COUNTY WHERE THE REGISTRANT WILL HABITUALLY LIVE**
25 by the [child sexual] **SEX** offender:

26 (1) family day care homes or child care centers registered [or
27 licensed], **LICENSED, OR ISSUED A LETTER OF COMPLIANCE** under Title 5, Subtitle
28 5 of the Family Law Article;

29 (2) child recreation facilities;

30 (3) faith institutions; and

31 (4) other organizations that serve children and other individuals
32 vulnerable to [child sexual] **SEX** offenders **WHO VICTIMIZE CHILDREN**.

33 **(G) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS**
34 **AFTER RECEIPT OF A REGISTRANT'S CHANGE OF RESIDENCE OR CHANGE IN THE**

1 COUNTY IN WHICH THE REGISTRANT HABITUALLY LIVES, THE LOCAL LAW
2 ENFORCEMENT UNIT SHALL NOTIFY THE DEPARTMENT OF THE CHANGE.

3 (H) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS
4 AFTER RECEIPT OF NOTICE UNDER § 11-705(G) OF THIS SUBTITLE, THE LOCAL
5 LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE
6 CHANGE OF NAME.

7 (I) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS
8 AFTER RECEIPT OF NOTICE UNDER § 11-705(H) OF THIS SUBTITLE, THE LOCAL
9 LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE
10 REGISTRANT'S INTENT TO LEAVE THE UNITED STATES.

11 (J) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS
12 AFTER RECEIPT OF NOTICE UNDER § 11-705(I) OF THIS SUBTITLE, THE LOCAL
13 LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE
14 REGISTRANT'S INTENT TO OBTAIN TEMPORARY LODGING OR TO BE ABSENT
15 FROM THE REGISTRANT'S PERMANENT RESIDENCE OR LOCATION WHERE THE
16 REGISTRANT HABITUALLY LIVES.

17 11-710.

18 (a) As soon as possible but not later than [5] 3 working days after receipt of
19 notice of a registrant's change of address OR NOTICE THAT THE COUNTY WHERE
20 THE REGISTRANT HABITUALLY LIVES HAS CHANGED, the Department shall give
21 notice of the change:

22 (1) if the registration is premised on a conviction under federal,
23 military, or Native American tribal law, to the designated federal unit; and

24 (2) (i) to the local law enforcement unit in whose county the new
25 residence is located OR WHERE THE REGISTRANT INTENDS TO HABITUALLY LIVE;
26 or

27 (ii) if the new residence OR LOCATION THE REGISTRANT WILL
28 HABITUALLY LIVE is in a different state that has a registration requirement, to the
29 designated law enforcement unit OR SEX OFFENDER REGISTRATION UNIT in that
30 state.

31 (b) (1) (i) As soon as possible but not later than [5] 3 working days
32 after receipt of notice under [§ 11-705(e)] § 11-705(F) of this subtitle, the
33 Department shall give notice to the campus police agency of the institution of higher
34 education where the registrant is commencing or terminating enrollment or
35 employment.

1 (ii) If an institution of higher education does not have a campus
2 police agency, the notice required under this section shall be provided to the local law
3 enforcement [agency] UNIT having primary jurisdiction for the campus.

4 (2) Institutions of higher education currently required to disclose
5 campus security policy and campus crime statistics data shall advise the campus
6 community where law enforcement agency information provided by a state concerning
7 registered sex offenders may be obtained.

8 (3) An institution of higher education is not prohibited from disclosing
9 information provided to the institution under this subtitle concerning registered sex
10 offenders.

11 (c) As soon as possible but not later than [5] **3** working days after receipt of
12 notice under [§ 11-705(f)] § **11-705(G)** of this subtitle, the Department shall give
13 notice of the change of name:

14 (1) if the registration is due to a conviction under federal, military, or
15 Native American tribal law, to the designated federal unit;

16 (2) to the local law enforcement unit in whose county the registrant
17 resides or where a registrant who is not a resident of the State will work or attend
18 school; and

19 (3) if the registrant is enrolled in or employed at an institution of
20 higher education in the State, to:

21 (i) the campus police agency of the institution of higher
22 education; or

23 (ii) if the institution does not have a campus police agency, the
24 local law enforcement [agency] UNIT having primary jurisdiction for the campus.

25 11-713.

26 The Department:

27 (1) as soon as possible but not later than 5 working days after
28 receiving the conviction data and fingerprints of a registrant, shall transmit the data
29 and fingerprints to the Federal Bureau of Investigation if the Bureau does not have
30 that information;

31 (2) shall keep a central registry of registrants;

32 (3) shall reimburse local law enforcement units for the cost of
33 processing the registration statements of registrants, including the cost of taking
34 fingerprints [and photographs], **PALM PRINTS, AND DIGITAL IMAGES**; [and]

1 (4) shall reimburse local law enforcement units for the reasonable
2 costs of implementing community notification procedures; **AND**

3 (5) **SHALL BE RESPONSIBLE FOR RECEIVING AND DISTRIBUTING**
4 **ALL INTRASTATE COMMUNICATIONS RELATING TO THE REGISTRATION OF SEX**
5 **OFFENDERS.**

6 11-714.

7 A registration statement given to a person under this subtitle shall include a
8 copy of the completed registration form and a copy of the registrant's [photograph]
9 **DIGITAL IMAGE**, but need not include the fingerprints **OR PALM PRINTS** of the
10 registrant.

11 11-717.

12 (a) (1) The Department shall make available to the public registration
13 statements or information about registration statements.

14 (2) Information about registration statements shall include, in plain
15 language that can be understood without special knowledge of the criminal laws of the
16 State, a description of the crime of the offender that is the basis for the registration,
17 excluding details that would identify the victim.

18 (b) The Department may post on the Internet a current listing of each
19 registrant's name, crime, and other identifying information.

20 (c) The Department, through an Internet posting of current registrants,
21 shall allow the public to electronically transmit information the public may have about
22 a registrant to the Department, a parole agent of a registrant, and the local law
23 enforcement unit where a registrant resides **OR HABITUALLY LIVES** or where a
24 registrant who is not a resident of the State will work or attend school.

25 (d) The Department shall allow members of the public who live in the county
26 in which the registrant is to reside **OR HABITUALLY LIVE** or where the registrant, if
27 not a resident of the State, will work or attend school, by request, to receive electronic
28 mail notification of the release from incarceration of a registered offender and the
29 registration information of the offender.

30 (e) The Department shall establish regulations to carry out this section.

31 11-718.

32 (a) (1) If the Department or a local law enforcement unit finds that, to
33 protect the public from a specific registrant, it is necessary to give notice of a
34 registration statement [or], a change of address of the registrant, **OR A CHANGE IN**

1 **THE COUNTY IN WHICH THE REGISTRANT HABITUALLY RESIDES** to a particular
2 person not otherwise identified under § 11-709 of this subtitle, then the Department
3 or a local law enforcement unit shall give notice of the registration statement to that
4 person.

5 (2) This notice is in addition to the notice required under §
6 11-709(b)(1) of this subtitle.

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