

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 43

(Senator Stone)

Judicial Proceedings

Sexual Offender Registration Information - Re-Incarceration for New Crime

This bill requires that required public information provisions relating to registered sexual offenders, as required to be made by the Department of Public Safety and Correctional Services, apply throughout the registration term, including any period during which a registrant is reincarcerated for a new offense. The bill also requires that information about the registration statement must include a notation indicating that the registrant is incarcerated.

Fiscal Summary

State Effect: None. The bill's requirements could be handled with the existing budgeted resources of DPSCS.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Generally, a person convicted of a sex crime or other specified crime in Maryland, including kidnapping and false imprisonment, is required to register with the State sex offender registry upon release from prison or release from court if the person did not receive a prison sentence. Offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in the home state are required to register in Maryland if the crime would have required registration in Maryland if

committed in Maryland. Juveniles who are adjudicated as adults and convicted for crimes that require registration are included in the registry. Juveniles who are adjudicated delinquent for these crimes through the juvenile court system are not included in the registry.

Sexual offenders are required to register, every 3 or 6 months, with the Crimes Against Children and Sexual Offender Registry for a term of either 10 years or life depending on the offense. Registration must include a photograph, which must be updated at least annually. The registry is operated by the Sexual Offender Registry unit of the Department of Public Safety and Correctional Services. Under the State's sexual offender registration laws, a State's Attorney may request that a sexual offender be designated a sexually violent predator. Lifetime registration is required for • sexually violent predators; • persons convicted of a sexually violent offense; • persons convicted of child abuse for commission of a sexual act involving penetration of a child under age 12; and • recidivist sexual offenders.

DPSCS must make sexual offender registration statements or information about registration statements available to the public. The information must include, in plain language, a description of the offender's crime that is the basis for the registration, excluding details that would identify the victim. The Internet posting of each registrant's name, crime, and other identifying information must allow the public to electronically transmit information about a registrant to DPSCS, a registrant's parole agent, and the local law enforcement unit where a registrant resides or where a registrant who is not a resident of the State will work or attend school.

DPSCS must allow members of the public who live in the county in which the registrant is to reside or work or attend school, by request, to receive electronic mail notification of a release from incarceration and the registration information of the offender.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services, Department of Legislative Services

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mll/jr

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