

Department of Legislative Services
 Maryland General Assembly
 2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 18
 Judiciary

(Delegate Smigiel, *et al.*)

Judicial Proceedings

Sex Offender Registry - Additional Information

This bill requires that, in addition to any aliases, the registration statement of a person required to register with the State’s sexual offender registry include the registrant’s former names, electronic mail addresses, computer log-in or screen names or identities, instant-messaging identities, and electronic chat room identities used by the registrant. In addition, a registration statement must contain a copy of the registrant’s valid driver’s license or identification card and the license plate number and description of any vehicle owned or regularly operated by the registrant.

Fiscal Summary

State Effect: One-time general fund reprogramming costs (in two computer applications) for the Department of Public Safety and Correctional Services of about \$33,800 in FY 2009 only. Revenues would not be affected.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	33,800	0	0	0	0
Net Effect	(\$33,800)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Under Maryland law, a registration statement must include:

- the registrant's full name, including any suffix, and address;
- under certain circumstances, the registrant's place of employment or the registrant's place of educational institution or school enrollment;
- for a registrant enrolled, or expecting to enroll, in an institution of higher education in the State as a full-time or part-time student, the name and address of the institution of higher education;
- for a registrant who carries on employment, or expects to carry on employment, at an institution of higher education in the State, the name and address of the institution of higher education;
- a description of the crime for which the registrant was convicted;
- the date that the registrant was convicted;
- the jurisdiction in which the registrant was convicted;
- a list of any aliases that the registrant has used;
- the registrant's Social Security number;
- any other name by which the registrant has been legally known; and
- the registrant's signature and date signed.

If the registrant is a sexually violent predator, the registration statement must also include: (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.

Background: Following several high-profile sexual assault cases, far-reaching State and federal legislation has been enacted to more strongly punish and more closely monitor sex offenders. The federal Sex Offender Registration and Notification Act (SORNA), which is Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 248-109), calls for conformity by the states with various aspects of sex offender registration provisions, including registration by specified juvenile offenders, specific information to be collected from registrants, verification, duration of registration, access to and sharing of information, and penalties for failure to register. The U.S. Attorney General is required by the Act to issue guidelines and regulations to interpret and implement the legislation. Proposed guidelines were published on May 30, 2007. The period for public comment on the proposed guidelines ended on August 1, 2007. Final guidelines have not yet been published. Under SORNA, July 27, 2009 is the deadline for substantial implementation of SORNA's requirements for all registration jurisdictions.

Under SORNA, sex offenders will be required to provide the following information to the sex offender registry:

- names, including all aliases used by the sex offender;
- date of birth, including both actual date of birth and any false date(s) of birth used by the sex offender;
- all Internet identifiers and addresses, *e.g.*, e-mail and instant messaging addresses;
- all telephone numbers including both land lines and cell phone numbers;
- Social Security numbers (SSN), including both valid governmentally assigned SSNs and any other SSNs used by the sex offender;
- residence address;
- other residence information (*i.e.*, where the sex offender has a home or habitually lives) in relation to sex offenders who lack a residence address for any reason (*e.g.*, homelessness, or living in a house in a rural or tribal area that has no street address);
- temporary lodging information about any place in which the sex offender is staying for seven or more days, including identifying the place and the period of time the sex offender is staying there;
- passport and immigration document information;
- employer's name and address;
- other employment information concerning the places where the sex offender works, if the sex offender has no fixed place of employment, such as information about normal travel routes or the general area(s) in which the sex offender works;
- professional licenses;
- school name and address;
- vehicle information including description and license plate or registration number;
- physical description of the sex offender;
- text of the registration offense or offenses;
- criminal history and other criminal justice information;
- current photograph;
- fingerprints and palm prints;
- DNA information; and
- driver's license or identification card.

The SORNA provisions were made retroactive. The Act applies to all sexual offenders, including those offenders convicted prior to the enactment of SORNA (July 27, 2006) or prior to a particular jurisdictions' implementation of the SORNA requirements.

Jurisdictions are required to register pre-SORNA convicted sex offenders in conformity with the SORNA standard if they are currently registering, under supervision or incarcerated or if the sex offender reenters the system because of a new conviction (whether or not the new crime is a sex offense).

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Washington County, Montgomery County, Department of Public Safety and Correctional Services (Information Technology and Communications Division), Department of Legislative Services

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