

HOUSE BILL 96

E2
HB 381/08 – JUD

9lr1660

By: **Delegate Stifler**

Introduced and read first time: January 21, 2009

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 24, 2009

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Offender Registry – Frequency of Photograph**

3 FOR the purpose of altering the time requirement for an updated photograph to be
4 included in the registration of offenders, child sexual offenders, sexually violent
5 offenders, and sexually violent predators in the Offender Registry; clarifying
6 that certain photographs are to be updated; and generally relating to the
7 registration of offenders.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 11–707(a), 11–708(b)(1) and (c), and 11–709(a)
11 Annotated Code of Maryland
12 (2008 Replacement Volume)

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

15 **Article – Criminal Procedure**

16 11–707.

17 (a) (1) (i) A child sexual offender shall register in person every 6
18 months with a local law enforcement unit for the term provided under paragraph (4) of
19 this subsection.

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 (ii) Registration shall include a photograph that shall be
2 updated [at least once each year] **EVERY 6 MONTHS**.

3 (2) (i) An offender and a sexually violent offender shall register in
4 person every 6 months with a local law enforcement unit for the term provided under
5 paragraph (4) of this subsection.

6 (ii) Registration shall include a photograph that shall be
7 updated [at least once each year] **EVERY 6 MONTHS**.

8 (3) (i) A sexually violent predator shall register in person every 3
9 months for the term provided under paragraph (4)(ii) of this subsection.

10 (ii) Registration shall include a photograph that shall be
11 updated [at least once each year] **EVERY ~~3~~ 6 MONTHS**.

12 (4) The term of registration is:

13 (i) 10 years; or

14 (ii) life, if:

15 1. the registrant is a sexually violent predator;

16 2. the registrant has been convicted of a sexually violent
17 offense;

18 3. the registrant has been convicted of a violation of §
19 3-602 of the Criminal Law Article for commission of a sexual act involving penetration
20 of a child under the age of 12 years; or

21 4. the registrant has been convicted of a prior crime as a
22 child sexual offender, an offender, or a sexually violent offender.

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

26 11-708.

27 (b) (1) The supervising authority shall obtain [a] **AN UPDATED**
28 photograph and fingerprints of the registrant and attach the **UPDATED** photograph
29 and fingerprints to the registration statement.

30 (c) (1) Within 5 days after obtaining a registration statement, the
31 supervising authority shall send a copy of the registration statement with the attached
32 fingerprints and **UPDATED** photograph of the registrant to the local law enforcement

1 unit in the county where the registrant will reside or where a registrant who is not a
2 resident is a transient or will work or attend school.

3 (2) (i) If the registrant is enrolled in or carries on employment at,
4 or is expecting to enroll in or carry on employment at, an institution of higher
5 education in the State, within 5 days after obtaining a registration statement, the
6 supervising authority shall send a copy of the registration statement with the attached
7 fingerprints and **UPDATED** photograph of the registrant to the campus police agency
8 of the institution of higher education.

9 (ii) If an institution of higher education does not have a campus
10 police agency, the copy of the registration statement with the attached fingerprints
11 and **UPDATED** photograph of the registrant shall be provided to the local law
12 enforcement agency having primary jurisdiction for the campus.

13 11-709.

14 (a) (1) (i) Every 3 months within 5 days after a sexually violent
15 predator completes the registration requirements of § 11-707(a) of this subtitle, a local
16 law enforcement unit shall send notice of the sexually violent predator's quarterly
17 registration to the Department.

18 (ii) Every 6 months within 5 days after a child sexual offender
19 completes the registration requirements of § 11-707(a) of this subtitle, a local law
20 enforcement unit shall send notice of the child sexual offender's biannual registration
21 to the Department.

22 (2) [Each year, a] **EVERY 3 6 MONTHS**, A local law enforcement unit
23 shall send a child sexual offender's and sexually violent predator's updated photograph
24 to the Department within 6 days after the photograph is submitted.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.