

# HOUSE BILL 376

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By: **Delegate Schuler**

Introduced and read first time: February 2, 2009

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Concurrent Court Jurisdiction – Second or Subsequent**  
3 **Offense of Failure to Register with Sex Offender Registry**

4 FOR the purpose of providing that the jurisdiction of the District Court is concurrent  
5 with that of the circuit court in a criminal case in which a person is charged  
6 with a second or subsequent offense of knowingly failing to register, knowingly  
7 failing to provide a certain notice, or knowingly providing false information of a  
8 material fact as required under provisions relating to registration of sexual  
9 offenders; and generally relating to criminal court jurisdiction.

10 BY repealing and reenacting, without amendments,  
11 Article – Criminal Procedure  
12 Section 11–704(a), 11–705(d), (e), and (f), and 11–721  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume)

15 BY repealing and reenacting, with amendments,  
16 Article – Courts and Judicial Proceedings  
17 Section 4–301 and 4–302(a) and (d)  
18 Annotated Code of Maryland  
19 (2006 Replacement Volume and 2008 Supplement)

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

22 **Article – Criminal Procedure**

23 11–704.

24 (a) A person shall register with the person’s supervising authority if the  
25 person is:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) a child sexual offender;

2 (2) an offender;

3 (3) a sexually violent offender;

4 (4) a sexually violent predator;

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

8 (6) an offender, sexually violent offender, or sexually violent predator  
9 who, before moving into this State, was required to register in another state or by a  
10 federal, military, or Native American tribal court for a crime that occurred before July  
11 1, 1997; or

12 (7) a child sexual offender, offender, sexually violent offender, or  
13 sexually violent predator who is required to register in another state, who is not a  
14 resident of this State, and who enters this State:

15 (i) to carry on employment;

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

19 (iii) as a transient.

20 11-705.

21 (d) A registrant who changes residences shall send written notice of the  
22 change to the State registry within 5 days after the change occurs.

23 (e) (1) A registrant who commences or terminates enrollment as a  
24 full-time or part-time student at an institution of higher education in the State shall  
25 send written notice to the State registry within 5 days after the commencement or  
26 termination of enrollment.

27 (2) A registrant who commences or terminates carrying on  
28 employment at an institution of higher education in the State shall send written notice  
29 to the State registry within 5 days after the commencement or termination of  
30 employment.

31 (f) A registrant who is granted a legal change of name by a court shall send  
32 written notice of the change to the State registry within 5 days after the change is  
33 granted.

1 11-721.

2 (a) A registrant may not knowingly fail to register, knowingly fail to provide  
3 the written notice required under § 11-705(d), (e), or (f) of this subtitle, or knowingly  
4 provide false information of a material fact as required by this subtitle.

5 (b) A person who violates this section:

6 (1) for a first offense, is guilty of a misdemeanor and on conviction is  
7 subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both;  
8 and

9 (2) for a second or subsequent offense, is guilty of a felony and on  
10 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding  
11 \$10,000 or both.

12 (c) A person who violates this section is subject to § 5-106(b) of the Courts  
13 Article.

14 **Article – Courts and Judicial Proceedings**

15 4-301.

16 (a) Except as provided in §§ 3-803, 3-8A-03, and 4-302 of this article, the  
17 District Court has exclusive original jurisdiction in a criminal case in which a person  
18 at least 16 years old or a corporation is charged with violation of the vehicle laws, or  
19 the State Boat Act, or regulations adopted pursuant to the vehicle laws or State Boat  
20 Act.

21 (b) Except as provided in § 4-302 of this subtitle, the District Court also has  
22 exclusive original jurisdiction in a criminal case in which a person at least 18 years old  
23 or a corporation is charged with:

24 (1) Commission of a common-law or statutory misdemeanor  
25 regardless of the amount of money or value of the property involved;

26 (2) Violation of § 7-104, § 7-105, § 7-107, or § 7-108 of the Criminal  
27 Law Article, whether a felony or a misdemeanor;

28 (3) Violation of a county, municipal, or other ordinance, if the violation  
29 is not a felony;

30 (4) Criminal violation of a State, county, or municipal rule or  
31 regulation, if the violation is not a felony;

- 1           (5) Doing or omitting to do any act made punishable by a fine,  
2 imprisonment, or other penalty as provided by the particular law, ordinance, rule, or  
3 regulation defining the violation if the violation is not a felony;
- 4           (6) Violation of § 8–103 of the Criminal Law Article, whether a felony  
5 or a misdemeanor;
- 6           (7) Violation of §§ 8–203 through 8–209 of the Criminal Law Article,  
7 whether a felony or misdemeanor;
- 8           (8) Forgery or violation of Title 8, Subtitle 6 of the Criminal Law  
9 Article, whether a felony or misdemeanor;
- 10          (9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a  
11 felony or a misdemeanor;
- 12          (10) Violation of § 9–1106 of the Labor and Employment Article;
- 13          (11) Violation of § 8–301 of the Criminal Law Article, whether a felony  
14 or misdemeanor;
- 15          (12) Violation of § 2–209 of the Criminal Law Article;
- 16          (13) Violation of Title 2, Subtitle 5 of the Criminal Law Article;
- 17          (14) Violation of Title 11, Subtitle 5 of the Financial Institutions  
18 Article;
- 19          (15) Violation of §§ 10–604 through 10–608 of the Criminal Law Article,  
20 whether a felony or misdemeanor;
- 21          (16) Violation of Title 7, Subtitle 3, Part III of the Criminal Law Article,  
22 whether a felony or misdemeanor;
- 23          (17) Violation of § 20–102 of the Transportation Article, whether a  
24 felony or misdemeanor;
- 25          (18) Violation of § 8–801 of the Criminal Law Article;
- 26          (19) Violation of § 8–604 of the Criminal Law Article;
- 27          (20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article;
- 28          (21) Violation of §§ 16–801 through 16–804 of the Election Law Article;
- 29          (22) Violation of § 3–203(c) of the Criminal Law Article; [or]

1           **(23) VIOLATION OF § 11-721 OF THE CRIMINAL PROCEDURE**  
2 **ARTICLE AS A SECOND OR SUBSEQUENT OFFENSE; OR**

3           ~~[(23)]~~ **(24)** Violation of § 11-303(b) of the Criminal Law Article.

4 4-302.

5           (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),  
6 (14), (15), (16), (17), (18), (19), (20), (21), (22), [and] (23), **AND (24)** of this subtitle, the  
7 District Court does not have jurisdiction to try a criminal case charging the  
8 commission of a felony.

9           (d) (1) Except as provided in paragraph (2) of this subsection, the  
10 jurisdiction of the District Court is concurrent with that of the circuit court in a  
11 criminal case:

12                           (i) In which the penalty may be confinement for 3 years or more  
13 or a fine of \$2,500 or more; or

14                           (ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),  
15 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), [and] (23), **AND (24)**  
16 of this subtitle.

17           (2) (i) Except as provided in subparagraph (ii) of this paragraph, a  
18 circuit court does not have jurisdiction to try a case charging a violation of § 5-601 or §  
19 5-620 of the Criminal Law Article.

20                           (ii) A circuit court does have jurisdiction to try a case charging a  
21 violation of § 5-601 or § 5-620 of the Criminal Law Article if the defendant:

22   1. Properly demands a jury trial;

23   2. Appeals as provided by law from a final judgment  
24 entered in the District Court; or

25   3. Is charged with another offense arising out of the  
26 same circumstances that is within a circuit court's jurisdiction.

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