

HOUSE BILL 504

E2

9lr1506

By: **Delegates McConkey, Montgomery, Niemann, and Schuler**

Introduced and read first time: February 4, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sexual Offender Registry – Registrant’s Statement**

3 FOR the purpose of authorizing a sexual offender registrant to submit a certain
4 statement to the sexual offender registry; specifying the information that may
5 be included in the statement and prohibiting certain information from being
6 included in the statement; requiring that a certain State’s Attorney or a
7 designee of the State’s Attorney approve the statement before publication of the
8 statement; altering certain information that is posted on the Internet registry;
9 clarifying language regarding the description of a registrant’s crime included in
10 the registration statement; authorizing the Department of Public Safety and
11 Correctional Services to post a statement submitted under this Act on the
12 Internet registry; and generally relating to registration statements in the sexual
13 offender registry.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Procedure
16 Section 11–706 and 11–717
17 Annotated Code of Maryland
18 (2008 Replacement Volume)

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

21 **Article – Criminal Procedure**

22 11–706.

23 (a) A registration statement shall include:

24 (1) the registrant’s full name, including any suffix, and address;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) (i) for a registrant under § 11-704(a)(7)(i) of this subtitle or who is on work release, the registrant's place of employment; or

(ii) for a registrant under § 11-704(a)(7)(ii) of this subtitle, the registrant's place of educational institution or school enrollment;

(3) (i) 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; or

(ii) 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;

(4) a description of the crime for which the registrant was convicted,
AS DETERMINED BY THE TRIAL COURT;

(5) the date that the registrant was convicted;

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

(7) a list of any aliases, former names, electronic mail addresses, computer log-in or screen names or identities, instant-messaging identities, and electronic chat room identities that the registrant has used;

(8) the registrant's Social Security number;

(9) any other name by which the registrant has been legally known;

(10) a copy of the registrant's valid driver's license or identification card;

(11) the license plate number and description of any vehicle owned or regularly operated by the registrant; and

(12) the registrant's signature and date signed.

(b) If the registrant is a sexually violent predator, the registration statement shall 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.

(C) (1) A REGISTRANT MAY ADD TO THE REGISTRATION STATEMENT A PERSONAL STATEMENT, NOT EXCEEDING 100 WORDS, THAT DESCRIBES THE FACTS OF THE CRIME, CONVICTION, AND PUNISHMENT FOR WHICH THE REGISTRANT IS LISTED, INCLUDING:

(I) THE NUMBER OF VICTIMS AND THE AGE AND SEX OF EACH VICTIM;

(II) A GENERAL DESCRIPTION OF ANY RELATIONSHIP BETWEEN THE REGISTRANT AND EACH VICTIM; AND

(III) THE DURATION AND COMPLETION OF PUNISHMENT AND ATTEMPTS AT REHABILITATION, INCLUDING SENTENCE, PAROLE, COMMUNITY SERVICE, OR OTHER REHABILITATIVE PROGRAM.

(2) A STATEMENT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT INCLUDE:

(I) AN EXCULPATORY STATEMENT;

(II) LEWD OR PROFANE LANGUAGE; OR

(III) FACTS THAT COULD IDENTIFY, DIRECTLY OR INDIRECTLY, ANY VICTIM OR WITNESS RELATED TO THE REGISTRANT'S CONVICTION.

(3) BEFORE PUBLICATION OF A REGISTRANT'S STATEMENT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE STATEMENT MUST BE APPROVED FOR CONFORMITY WITH THIS SUBSECTION BY:

(I) THE STATE'S ATTORNEY OF THE COUNTY IN WHICH THE REGISTRANT WAS CONVICTED;

(II) IF THE REGISTRANT WAS CONVICTED OUT OF STATE, THE STATE'S ATTORNEY OF THE COUNTY IN WHICH THE REGISTRANT RESIDES; OR

(III) THE DESIGNEE OF THE APPROPRIATE STATE'S ATTORNEY AS DETERMINED UNDER ITEMS (I) AND (II) OF THIS PARAGRAPH.

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

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

7 (b) The Department may post on the Internet [a current listing of]:

8 (1) each registrant's **FULL** name[,];

9 (2) **A DESCRIPTION OF THE** crime[, and] **FOR WHICH THE**
10 **REGISTRANT WAS CONVICTED, AS DETERMINED BY THE TRIAL COURT;**

11 (3) **ANY** other [identifying] information **IDENTIFYING THE**
12 **REGISTRANT; AND**

13 (4) **THE CONTENTS OF ANY ADDITIONAL STATEMENT SUBMITTED**
14 **BY THE REGISTRANT UNDER § 11-706(C) OF THIS SUBTITLE.**

15 (c) The Department, through an Internet posting of current registrants,
16 shall allow the public to electronically transmit information the public may have about
17 a registrant to the Department, a parole agent of a registrant, and the local law
18 enforcement unit where a registrant resides or where a registrant who is not a
19 resident of the State will work or attend school.

20 (d) The Department shall allow members of the public who live in the county
21 in which the registrant is to reside or where the registrant, if not a resident of the
22 State, will work or attend school, by request, to receive electronic mail notification of
23 the release from incarceration of a registered offender and the registration information
24 of the offender.

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

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