

# HOUSE BILL 1030

E2, E4  
SB 629/08 – JPR

9lr1928  
CF SB 441

By: **Delegates Shank, Frank, Kelly, Kramer, Myers, Sossi, and Valderrama**  
Introduced and read first time: February 13, 2009  
Assigned to: Judiciary

Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 23, 2009

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Criminal Procedure – Offender Registry – Retroactivity**

3 FOR the purpose of providing that certain provisions requiring the registration on a  
4 certain offender registry of certain persons convicted of committing certain  
5 offenses are to be applied retroactively to include a person convicted ~~on or after~~  
6 ~~a certain date~~ of an offense committed on or before a certain ~~date~~; date and who  
7 was released on or after a certain date or who was under certain custody or  
8 supervision on a certain date; and generally relating to the offender registry.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 11–702.1  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume)

14 BY repealing and reenacting, without amendments,  
15 Article – Criminal Procedure  
16 Section 11–704  
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**

---

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.



11-702.1.

(a) Notwithstanding any other provision of law to the contrary, except as provided in subsection (b) of this section, this subtitle shall be applied retroactively to include a ~~registrant convicted of an offense committed before July 1, 1997, and who is under the custody or supervision of a supervising authority on October 1, 2001~~ **SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT OFFENDER:**

**(1) CONVICTED OF AN OFFENSE COMMITTED ON OR BEFORE JULY 1, 1997; AND**

**(2) (I) WHO WAS RELEASED ON OR AFTER JULY 1, 1997 FOR A CRIME REQUIRING REGISTRATION UNDER THIS SUBTITLE; OR**

**(II) WHO WAS UNDER THE CUSTODY OR SUPERVISION OF A SUPERVISING AUTHORITY ON OCTOBER 1, 2001.**

(b) Notwithstanding any other provision of law to the contrary, this subtitle shall be applied retroactively to a child sexual offender who:

~~(1) committed the sexual offense on or before October 1, 1995, and who is under the custody or supervision of a supervising authority on October 1, 2001; AND~~

**(2) (I) WHO WAS RELEASED ON OR AFTER OCTOBER 1, 1995, FOR A CRIME REQUIRING REGISTRATION UNDER THIS SUBTITLE; OR**

**(II) WHO WAS UNDER THE CUSTODY OR SUPERVISION OF A SUPERVISING AUTHORITY ON OCTOBER 1, 2001.**

~~(c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO INCLUDE A PERSON CONVICTED ON OR AFTER OCTOBER 1, 1995, OF ONE OF THE FOLLOWING OFFENSES COMMITTED BEFORE OCTOBER 1, 1995:~~

~~(1) RAPE IN THE FIRST DEGREE UNDER § 3-303 OF THE CRIMINAL LAW ARTICLE;~~

~~(2) RAPE IN THE SECOND DEGREE UNDER § 3-304(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;~~

~~(3) SEXUAL OFFENSE IN THE FIRST DEGREE UNDER § 3-305 OF THE CRIMINAL LAW ARTICLE;~~

~~(4) SEXUAL OFFENSE IN THE SECOND DEGREE UNDER § 3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE; OR~~

~~(5) SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THE CRIMINAL  
LAW ARTICLE~~

11-704.

(a) A person shall register with the person's supervising authority if the person is:

(1) a child sexual offender;

(2) an offender;

(3) a sexually violent offender;

(4) a sexually violent predator;

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

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

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

(i) to carry on employment;

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

(iii) as a transient.

(b) Notwithstanding any other provision of law, a person is no longer subject to registration under this subtitle if:

(1) the underlying conviction requiring registration is reversed, vacated, or set aside; or

(2) the registrant is pardoned for the underlying conviction.

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

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.